STATUTA
Vetera & Recentiora.

A Methodical
Collection & Abridgement
OF THE
Statutes
That relate to the Knowledge
and Practice of the
COMMON-LAW.

By *D. F.*

LONDON, Printed by **John Streater**, **Eliz. Flesher**, and **H. Twyford**, Assignes of **Rich. Atkyns** and **Ed. Atkyns**, Esquires.
And are to be sold by *G. Sawbridge*, *T. Place*, *T. Bellinger*, *W. Place*, *T. Basset*, *R. Pawlet*, *C. Wilkinson*, *T. Dring*, *W. Jacob*, *C. Harper*, *J. Leigh*, *J. Amery*, *J. Poole*, Booksellers in *Fleetstreet* and *Holborne*, A. D. 1672.

Cum Gratia & Privilegio Regiæ Majestatis.

FH
MVSEVM
BRITANNICVM

Preface.

AS *General Abridgements of the Statutes of this Realm have hitherto been and will always continue to be of great use; so now since they are become so voluminous, there seems to be a like usefulness, if not a necessity, of particular Abridgements to direct those whose Study and Employment is more especially conversant in some peculiar practice of the Law.*

Some Collections of this Nature are already published: One concerning the Office of a Justice of Peace, under the Title of Statuta Pacis, *which comprehends a great part of the Crown Law. Others relating to the Kings Revenue, as that of the* Customes, *of the Excise, another of the* Hearth money, *all of great benefit in their several kinds.*

But those statutes that immediately relate to the General Practice of the Common Law and the Courts wherein the same is used, have not hitherto been collected apart, and are in a manner left, as the choice fruit upon the upper Branches not to be seen for the Clusters that hang below.

This Book therefore is designed for those Statutes, wherein as there is no repetition of what hath been in any former particular Abridgements: so neither is there any notice taken of the Multitude of those other Statutes, some whereof refer to a part of the Realm only, as those of older time wch concern the uniting of Wales, *and fixing jurisdictions there, and the like; in* Counties Palatine, *and of later, for the drayning of the* Fenns *which extend but to some Countryes; others are restrayned to peculiar Jurisdictions as those of the* Sewers, *of* Charitable uses, Regulation of Corporations, &c. *others which (though more general) respect only the* Policy *of the Realm in preserving its* Religion, Strength, Trade, Riches, *and* Beauty, *such are the statutes that concern the* Divine Service *and* Sacraments Anniversary Feasts *and* Fasts *upon special Occasions, the* Militia Revenue, Navigation, Fishing Tymber, Drapery, *and several other* Manufactures, *rebuilding of* London, *and many more of that kind.*

All which though of Publique Advantage, yet not having a direct Aspect upon private rights *and* possessions, *are foreign to the present design, and most proper for general Abridgments, in which they are to be had:*

This

This being intended chiefly for the benefit of practisers and students of the Common Law, *that in their practice and reading they might have a ready recourse to those statutes which particularly relate thereunto.*

It was not thought convenient to go beyond the time of Edward *the* 3. *since when the practice of the Law has been most uniforme; because most of the Old statutes, as* Magna Charta, Merton, Marlebridge, West. 1. 2. 3. *and the rest till this time are generally but declaratory and affirmative of the* Common law (*as my Lord* Cook *has observed*) *and may now by their Antiquity and uninterrupted usage be said to be incorporated into the body of the Common Law, with which this treatise medleth not: The other parts of those* Antient Statutes *referring generally to such proceedings as now are wholly out of use, and therefore not proper to be inserted: such are those many Chapters that concern pleadings and other proceedings in* real Actions *now out of use, and are already in print by the name of* Magna Charta, *and other antient Statutes in a little volume by themselves.*

Here therefore such only are culled out as referr to the Law *as 'tis now used and practised, wherein such Care has been taken that nothing Material is omitted: so that*

though it le not directly but Collaterally within the deſign of this Treatiſe, they are here mentioned, as the ſtatute of Hue *and* Crye, *becauſe many Actions are brought thereupon, and thoſe of* Bankrupts *being of general and dayly uſe &c.*

But ſuch ſtatutes as have abrogated or reſcinded what formerly hath been in uſe by the diſſolution of Courts, *alteration of* tenures, *Abridgment of* Michaelmas Term, *and the like, are here omitted.*

It were to be wiſhed that the ſtatutes as they are here ſet down in Order of time in the firſt Table, were printed at large in a volume together by themſelves, becauſe of that general Objection to Abridgments, that they are not of unqueſtionable Authority; and it would be of further benefit to ſtudents if enterleaved, becauſe many of the Caſes and Reports that are Extant are aptly referrable thereunto, which if collected with Diligence and Indgment would be an Excellent Comment on the ſame.

However theſe Tables and Abridgment are of extraordinary uſe: for as the firſt Table ſhews what Statutes *were made in every particular Kings Raign, ſo the other furniſheth you with the common and known heads and Titles of the* Common Law *where-*

to

to every ſtatute referreth: where at one view you may ſee what ſeveral ſtatutes in ſeveral Kings Reigns have been made concerning ſuch a Branch, head or Title of the Common Law, *ſuch as is uſed by Practiſers and Students in their Common Place Books.*

And ſince there is a great diverſity in the Methodiſing of thoſe heads, as that of Fitzherbert, Brook, Raſtal, Aſh, *and of late one more accurate by Serjeant* Roles; *The Reader may be pleaſed to take notice, that what he finds here, is digeſted (as nearly as could be) according to the laſt.*

First Table.

Edward. 3.

Ano Reg.	Cap.	
4.	7.	Executors.
25.	5.	Executors.
31.	11.	Administrators. Executors.
36.	15.	Pleading.

Ric. 2.

9.	3.	Attaint. Error.
13.	17.	Reſceipt.
15.	3.	Admiraltie. *vide* Court.

Henr. 4.

2.	7.	Nonſuit.
2.	11.	Admiraltie. *vide* Court.
4.	8.	Atturney.
	13.	Judgment.
5.	8.	Ley gager.

Henr. 5.

1.	5.	Additions. *vide* Brieſe.
2.	2.	Corpus cum cauſa. *vide* Habeas Corpus.
	3.	Libell.
9.	4.	Amendment.

Henr. 6.

4.	3.	Amendment.
8.	12.	Amendment.
	15.	Amendment.
10.	4.	Apparance. *vide* Default.
23.	10.	Sheriff. *vide* Obligation.

Ric. 3.

Año Reg.	Cap.	
		Ric. 3.
1.	7.	Fines.
		Henr. 7.
3.	7.	Damages and Costs.
4.	20.	Actions popular.
	24.	Fines.
11.	20.	Discontinuance. *vide* Continuance.
19.	9.	Error.
	20.	Damages and Costs.
		Henr. 8.
7.	3.	Avowrie.
21.	4.	Executor.
	5.	Probate of Wills. *vide* Executors.
	13.	Residence.
	15.	Recoveries.
	19.	Avowries.
23.	3.	Attai[illegible]
	6.	Recognisance.
	9.	Citation.
	15.	Damages and Costs.
24.	8.	Costs.
27.	10.	Uses and Wills.
	16.	Inrolment.
28.	13.	Residence.
31.	1.	Partition.
32.	1.	Wills. *vide* Executors.
	2.	Limitations.
	5.	Execution.
	9.	Maintenance.
	28.	Leases. *vide* Powers.
	30.	Repleader.

Año Reg.	Cap.	
	32.	Partition.
	33.	Entre congeable.
	34.	Conditions.
	36.	Fines.
	37.	Rents.
	38.	Mariages. *vide* Baron & feme.
34, 35.	5.	Wills. *vide* Deviſe.
	20.	Recoveries.

Edwar. 6.

1.	7.	Diſcontinuance. *vide* Continuance.
2, 3.	13.	Tithe. *vide* Diſmes.
5, 6.	16.	Offices.

Phil. & Mar.

1. Seſſ. 2.	5.	Limitation.
4, 5.	7.	Tales. *vide* Tryal.
	8.	Maidens.

Eliz.

1.	19.	Biſhops leaſes. *vide* Powers.
5.	23.	Excomunicato capiendo. v. Excomengement
8.	2.	Damages and Coſts.
13.	5.	Fraudulent conveyances. *vide* Fraud.
	6.	Letters patents. *vide* Pleading.
	7.	Bankrupts.
	10.	Leaſes and dilapidations. *vide* Powers.
	20.	Leaſes of Parſonages. *vide* Powers.
14.	8.	Recoveries.
	9.	Tales. *vide* Tryal.
18.	5.	Informers. *vide* Action popular.
	11.	Leaſes of ſpiritual livings. *vide* Powers.

Ano Reg.	Cap.	
	14.	Jeofailes.
27.	8.	Fraudulent conveyances.
	5.	Demurrers.
	13.	Hue and cry.
29.	5.	Informers. *vide* Atturney.
31.	3.	Exigent and Outlawry. *vide* Utlagary.
	5.	Actions popular.
	6.	Simonie.
	10.	Informers. *vide* Atturney.
	12.	Faires and Markets. *vide* Market.
43.	5.	Corpus cum cauſa. *vide* Habeas corpus.
	6.	Damages and coſts.
	8.	Executors.
	12.	Policies of aſſurance. *vide* Merchants.

Jac.

1.	3.	Biſhops leaſes. *vide* Powers.
	15.	Bankrupts.
3.	8.	Delays of Execution. *vide* Execution.
4.	3.	Coſts for the defendant. *vide* Coſts.
7.	5.	Officer impleaded. *vide* Office.
21.	4.	Action popular.
	8.	Certiorari.
	12.	Officer impleaded. *vide* Office.
	13.	Jeofailes.
	16.	Limitation.
	19.	Bankrupt.
	23.	Corpus cum cauſa. *vide* Habeas Corpus.
	24.	Execution.

Car. 2.

13 ſeſſ. 2.	2.	Delays in execution. *vide* Brieſe and Coſts.
14.	21.	Sheriff. *vide* Office.

First Table.

Año Reg.	Cap.	
	23.	Attornment. Merchants.
	24.	Bankrupts.
16.	2.	Abatement of writs of Error *vide* Brieſe.
	5.	Delayes in extending Statutes. *v.* Execution.
16, 17.	8.	Arreſt of Judgment. *vide* Execution.
17.	7.	Diſtreſs and avowry. *vide* Replevin.
	8.	Delays. *vide* Execution.
19.	11.	Deceaſe of perſon beyond ſeas. *v.* Entry cong.
20.	4.	Error.
23.	9.	Coſts and Damages.
	10.	Adminiſtrator. *vide* Executors

Second Table.

Actions popular.

4 H. 7. c. 20. 31 El. c. 5. 21 Jac. c. 4. 18 El c. 5.

Attornment.

9 H. 5. c. 4. 4 H. 6. c. 3. 8 H. 6. c. 12. c. 15. 27 El. c. 5.

Attaint.

9 R. 2. c. 3. 23 H. 8. c. 3.

Arturney.

4 H. 4 c. 18. 29 El. c. 5. 31 El. c. 10.

Advowzie.

7 H. 8. c. 4. 21 H. 8. c.

Baile.

13 Car. 2. Seſſ. 2. c. 2.

Bankrupts.

13 El. c. 7. 1 Jac. c. 15. 21 Jac. c. 19. 14 Car. 2. c. 24.

Baron & feme.

32 H. 8. c. 38.

Brieſe.

1 H. 5. c. 5. 16 Car. 2. c. 2.

Certiorari.

21 Jac. c. 8.

Conditions.

32 H. 8. c. 34.

Con=

Continuance.

1 Edw. 6. c. 7.

Costs.

24 H. 8. c. 8. 43 El. c. 6. 4 Jac. c. 3. 13 Car. 2. Sess. 2. c. 2. 22, 23 Car. 2. c. 9.

Court. Admiraltie.

2 H. 4. c. 11.

Damages.

3 H. 7. c. 10. 19 H. 7. c. 20. 23 H. 8. c. 15. 8 El. c. 2. 43 El. c. 6.

Default. Apparance.

10 H. 6. c. 4.

Devise.

27 H 8. c. 10. 32 H. 8. c. 1. 34, 35 H. 8. c. 5.

Discontinuance.

11 H. 7. c. 20.

Dismes.

2, 3 Edw. 6. c. 13.

Dower. Jointure.

27 H. 8. c. 10.

Entrie cong.

32 H. 8. c. 33. 19 Car. 2. c. 11.

Error.

9 R. 2. c. 3. 6 Car. 2. c. 2. 16, 17 Car. 2. c. 8. 17 Car. 2. c. 8. 20 Car. 2. c. 4.

Excommengement.

5 El. c. 23.

Execution.

32 H. 8. c. 5. 3 Jac. c. 8. 21 Jac. c. 24. 16, 17 Car. 2. c. 5. 71 C. 2. c. 8.

Executors. Administrators.

31 Edw. 3. c. 11. 21 H. 8. c. 15. 23 Car. 2. c. 10. 4 Edw. 3. c. 7. 25 Edw. 3. c. 5. 21 H. 8. c. 4. 43 El. c. 8.

Fine.

1 R. 3. c. 7. 4 H. 7. c. 24. 32 H. 8. c. 35.

Fraud.

13 El. c. 5. 27 El. c. 4.

Habeas Corpus.

2 H. 5. c. 2. 43 El. c. 5. 21 Jac. c. 23.

Hue and Cry.

27 El. c. 13.

Inrollment.

27 H. 8. c. 16.

Judge.

20 R. 2. c. 3.

Leygager.

5 H. 4. c. 8.

Libell.

2 H. 5. c. 3.

Limitation.

32 H. 8. c. 2. 1 Seſſ. 2 P. M. c. 5. 21 Jac. c. 16.

Maintenance.

32 H. 8. c. 9.

Market.

31 El. c. 12.

Monſuit.

2 H. 4. c. 7. 13 Car. 2. Seſſ. 2. c. 2.

Obligation.

32 H. 6. c. 10.

Office.

5, 6 Edw. 6. c. 16. 7 Jac. c. 5. 21 Jac. c. 12. 14 Car. 2. c. 21.

Partition.

31 H. 8. c. 1. 32 H. 8. c. 32.

Pleading.

36 Edw. 3. c. 15. 13 El. c. 6. 43 El. c. 12. 14 Car. 2. c. 23.

Powers.

32 H. 8. c. 28. 1 El. c. 19. 13 El. c. 10. 13 El. c. 20. 18 El. c. 11. 1 Jac. c. 3.

Proces.

19 H. 7. c. 9. 13 Car. 2. Seſſ. 2. c. 2.

Prohibition.

23 H. 8. c. 9.

Recognisance.
23 H. 8. c. 6.
Recoverie.
21 H. 8. c. 15. 34, 35 H. 8. c. 20. 14 El. c. 8.
Rents.
32 H. 8. c. 37.
Repleader.
32 H. 8. c. 30.
Replevin.
17 Car. 2. c. 7.
Receipt.
13 R. 2. c. 17.
Simonie.
31 El. c. 6.
Spiritual persons.
21 H. 8. c. 13. 28 H. 8. c. 13.
Trial.
19 Car. 2. c. 11. 4, 5 P. M. c. 7. 14 El. c. 9.
Uses.
27 H. 8. c. 10.
Utlagary.
21 El. c. 3.

Action

Second Table.

Action popular.

1. RECovery in an action popular by covin shall be no barre in an action sued for the same thing *bonâ fide*. 4 H. 7. c. 20.

2. Here the defend' attainted of Collusion shall suffer 2 years imprisonment to be prosecuted within one year.

3. No Release of a common person shall in this case discharge an action popular.

4. Yet no collusion is in this case averrable, where the Point of the same action, or the Collusion it self hath been tryed by Verdict.

5. Informers heretofore restrained by order of any Court, shall not pursue actions popular. 31 El. c. 5.

6. In popular actions the offence shall be laid to be done in the County where indeed it was done: otherwise if the defend' traverse and disprove that point, the plaint' shall be barr'd.

7. This act doth not restrain Officers, which have lawfully used to exhibite informations, nor actions brought for Champerty, buying of Titles, extortion, offences against the statute of 1 El. 11. (concerning

cerning the tight landing of Merchandiſes, and cuſtome of ſweet wines) concealing of cuſtoms, &c. corrupt uſury, foreſtalling, regrating or ingroſſing, when the penalty ſhall amount to 20l. or above: For in all theſe caſes the offence may be laid in any County.

8. Popular actions, where the King onely hath the forfeiture, ſhall be commenced within 2 years; where he hath onely a part, and the Informer the reſt, within one year. But this is to be underſtood, where a ſhorter time is not limited by any ſtatute.

9. All ſuits for uſing unlawful games, or any art or myſterie without being brought up in it, and for not having bowes and Arrowes according to the ſtatute, ſhall be proſecuted at the Aſſizes or Seſſions of the County, or at the Leet within which the Offence was committed, and not elſewhere.

21 Jac. c. 4. 10. Actions popular which may be preſented before Iuſtices of Aſſiſe, Niſi prius, G. D. Oyer and Terminer, or of P. ſhall be proſecuted onely in the Counties where the offences were committed, except for Recuſancy, Maintenance, Champerty, buying of Titles, concealing of cuſtomes &c. or tranſporting of gold, ſilver, munition, wool, woolfells, or leather.

11. Upon

11. Upon default of proving that the offence was committed in the ſame County, the defendant ſhall be found not guilty.

12. The Informer ſhall make oath that the Offence was committed in the ſame County where the action is laid, and within one year before the ſuit commenced.

13. The defend' in a popular action, may plead the general iſſue, and yet give ſpecial matter in evidence.

14. An *Informer* ſhall exhibit his ſuit in proper perſon, and purſue it by himſelf or by his Attorney in Court, and that by way of Information or original action, and ſhall have no deputy; and all this in pain of 10. pound and the Pillory. 18 *El. cap.*

15. A note of the time of exhibiting the Information ſhall be truly taken, and from thenceforth it ſhall be accounted to be of record, before which time no proceſſe ſhall iſſue out upon it.

16. The Clark that makes out the proceſſe, ſhall indorſe the Informers name, and alſo the ſtatute upon which the Information is grounded in pain of 40 s.

17. No Jury ſhall appear at *Weſtminſter* for a Tryal upon any penal law, when the offence was committed above 30 miles

from *Weſtminſter*, except the Attorney general for ſome reaſonable cauſe require the ſame.

18. No Informer ſhall compound with any defend' before anſwer, nor then, but by conſent of Court, in pain of 10 l. and the pillory.

19. Where the Informer delayes or diſcontinues his ſuit, or otherwiſe is Nonſuit or overthrown, the court ſhall aſſigne coſts to the defend' to be immediatly levied by Execution iſſuing out of the ſame Court.

20. Iuſtices of Oyer and Terminer, Aſſize and Peace, in their Seſſions have power to hear and determine theſe offences.

21. This Act ſhall not reſtrain Actions brought for Maintenance, Champerty, buying of titles, or *Imbrury*, nor any certain perſon, or body Politique, to whom any forfeiture or penalty is ſpecially limited, nor certain Officers, who have lawfully uſed to exhibite Informations.

Amendment.

9 H. 5 c. 4. 1. THE Juſtices before whom any default ſhall be found by miſpriſion of a Clerk, in one ſyllable or letter too much or too little, in any Record or Proceſs

ceſs, may amend the ſame as well after Judgment as before, ſo long as ſuch Record or Proceſs ſhall continue before them.

2. This ſhall not extend to any Record or Proceſs whereby any perſon is out-Lawed: nor to *Wales*. 4 H. 6. c. 3.

3. No Judgment or Record ſhall be reverſed or annulled for error aſſigned by reaſon of the razing or interlining of any Record, Proceſs, Warrant, Writ, Pannel, or Return: or of any Addition, Subſtraction or Diminution of Words, Letters, Titles, or parcel of Letters found in the ſame. 8 H. 6. c. 12.

4. The Judges may reform all defects in any Record, Proceſs, Wards, Plea, Warr', Writ, Pannel, or Return, (except Appeals, Indictments, of Treaſon, or Felony, and Outlawries of the ſame, and the ſubſtance of the proper names, ſur-names, and Additions left out in Original Writs, Exigents, and in other Writs of Proclamation contrary to the Statute of 1 *H* 5 5. concerning Additions) ſo that by ſuch miſpriſion of the Clerk no Judgment ſhall be reverſed or annulled.

5. Variance alledged between a Record and the certificate thereof, ſhall be amended by the Judges.

6. If a Record, Proceſs, Writ, Warrant, Pannel, Return, or any parcel thereof be exemplified under the great Seal, and inrolled, for any Error aſſigned in the ſaid Record, *&c.* in any Letter, Word, Clauſe, or Matter varying, or contrary to the exemplification or enrollment, there ſhall be no Judgment reverſed or annulled.

8 H. 6. c. 15. 7. The Juſtices may amend the miſpriſion and defaults of Clerks of the Court, or of Sheriffs their Clerks, and of all other Officers whatſoever, found before them in any Record or Proceſs, or the Return of the ſame, by reaſon of writing one letter, or one ſyllable too much or too little; except in Records and Proceſſes within *Wales*, and of Felonies and Treaſons, and the dependants of the ſame.

27 El. c. 5. 8. After *demurrer* joyned and entred, the Judges ſhall proceed and give Judgment according to the right of the cauſe and matter in Law, without regard to any defect in the proceeding, except ſuch only as the party ſhall expreſs, together with his Demurrer. After which time no Judgment ſhall be reverſed by Writ of Error, or for any other defect, then ſuch as he ſhall there mention; and if there happen to be any other, the Judges may amend them.

9. This

9. This Act ſhall not extend to the proceeding in an Appeal of Felony or Murder upon an Indictment, Preſentment, or penal Statute.

Attaint.

1. HE in the reverſion ſhall have an Attaint or writ of Error upon a falſe Verdict found, or an erroneous Judgment given againſt the particular Tenant. 9 R. 2. c. 3.

2. If the Oath be found falſe or the Judgment erroneous, and the Tenant ſtill in life, he ſhall be reſtored to his poſſeſſion and iſſues, and the Reverſioner to the arrerages: But if he be dead, or be found of Covin with the demandant, the Reverſioner ſhall have all: Yet the Tenant may traverſe the Covin by *ſcire facias* out of the Judgment or writ of Attaint, if he pleaſe.

3. Upon every untrue Verdict before Judges of Record, (except where the thing in demand extendeth not to the value of 40. l. or concerneth life) the party grieved ſhall have an Attaint againſt the pettie Jury, and alſo againſt the party that hath the Judgement thereupon. 23 H. 8. c. 3.

4. The Proceſs here ſhall be Summons, Reſummons and diſtreſs infinite, as well a-

gainſt the petty Jury and the party, as a-gainſt the grand Jury, who ſhall be of the accuſtomed number, and have Lands to the yearly value of 20 markes out of Auntient demeſne.

5. The diſtreſſe ſhall be awarded 15 dayes before the return of it, and ſhall be made upon the land of every one of the grand Jury, as is uſed in other diſtreſſes.

6. Albeit the Defend' or petty Jury or ſome of them appear not, yet the Grand Jury ſhall proceed.

7. If any of the petty Jury appear, the Plaint' ſhall aſſigne the falſe ſerement whereunto the petty Jury ſhall have no other anſwer (if they be the ſame perſons, and the writ, proceſs and aſſignement be good) but that they made true ſerement, which ſhall be tryed by 24 of the grand Jury, unleſs the Plaint' hath before been nonſuited, or diſcontinued his ſuit, or had Judgement againſt the Jury for the ſame Verdict.

8. Howbeit that the Defend' may plead that they gave a true verdict, or any other matter which may barre the attaint; but notwithſtanding ſuch plea the grand Jury ſhall nevertheleſſe enquire whether the firſt Jury gave a true verdict, or no.

9. If

9. If the petty Jury be found to have given an untrue verdict, they ſhall each of them forfeit 20 l. to be divided between the King and the Plaint', and incurr ſeveral fines at the Diſcretion of the Juſtices, and be ever after diſabled to give teſtimony in any court.

10. If the Defendants plea in barr be found againſt him, the Plaint' ſhall have Judgment to be reſtored to what he loſt, with his reaſonable coſts and damages.

11. Outlawry or Excommunication ſhall be no plea againſt the Plaint' in attaint; and in the aforeſaid proceſs ſuch day ſhall be given as in Dower, but no Eſſine or protection allowed.

12. If the Grand Jury appear not, ſo that the petty Juryes verdict remain untried, the defalters ſhall upon the firſt diſtreſs forfeit 20 s. upon the 2 d. 40 s. and upon every diſtreſs after 5 l. the like penalty is alſo to be inflicted upon the Tales.

13. The attaint is maintainable as long as any two of the the petty Jury are alive.

14. An attaint ſhall alſo lye for a perſonal thing under the value of 40 l. in manner aforeſaid, ſave only in ſuch caſe the Grand Juror is to have lands worth 5 markes

markes *per annum* out of auntient demeſne, or to be worth a hundred markes in goods, and the forefeiture of each Juror ſhall be but 5 l.

15. For want of ſufficient Iurors in one County a Tales ſhall be awarded into another County at the Diſcretion of the Iuſtices.

16. An attaint ſhall alſo lye for him in Reverſion or Remainder; and alſo if in attaint the Plaint' be nonſuit or diſcontinue his ſuit, he ſhall be fined at the diſcretion of the Iuſtices.

17. All Attaints ſhall hereafter be taken at the Kings Bench or common pleas and not elſewhere, and *Niſi prius* ſhall be granted upon the diſtreſs; at the diſcretion of the Iuſtices alſo any of the petty Iury may appear and anſwer by atturney.

18. As concerning the forfeitures, the ſeveral moyties ſhall be recovered by the King and parties reſpectively by *Ca: Sa:* or *fi: fa:* or *Elegit*, or action of debt againſt each of the Petty Jury: their Executors or Adminiſtrators having ſufficient goods of the Teſtators not adminiſtred.

19. Judgement and Execution of Reſtitution to the Plaint', and of diſcharge of Reſtitution to the tenant or Defend' ſhall be

be given and had as in case of a grand Attaint hath been used.

20. The nonsuit or release shall not prejudice his companions.

21. In every writ of Attaint after the test these words shall be inserted *per Statutum continuatum usque annum* 23 *H.* 8. *Dei gratiâ &c.*

Attorney.

1. ALL Attorneys shall be examin'd by the Justices, and by their discretion put into the Roll, 4 H.4.c.14

2. Those that are by them approved, shall swear truly to serve in their offices, and to make no suit in a foreign county. An insufficient Attorney shall be put out by the like discretion of the Justices; and their Masters or Clients shall have notice thereof, lest they be prejudic'd thereby.

3. As any dye or cease, the Justices shall appoint others, being vertuous, learned, sworn as aforesaid.

4. If an Attorney be found notoriously in fault, he shall forbear the Court, and be never admitted into any other Court.

5. The Treasurer and Barons of the Exchequer shall pursue the like course there at their discretion.

6. If

29 El. c.5. 6. If any ſhall be ſued upon any penal Law in the Kings Bench, common pleas, or Exchequer, where ſuch perſon is bayla-ble by law, or may appear by Atturney, the perſon ſo ſued ſhall at the day contained in the firſt proceſs appear by Atturney to defend the ſame, and ſhall not be urged to perſonal appearance, or to put in bayle to anſwer the ſame.

8. El. c.10. 7. The ſaid clauſe of 29 *El.* ſhall onely extend to natural born ſubjects or free Denizens,

Avowry.

7 H.8. c.4. 1. REcoverers of Lands, Tenements and Advowſons, their heires and aſſignes may diſtrain for rents, ſervices and cuſtomes due and unpayd, and make avowry and Juſtifie the ſame, and have like remedy for recovering them, as the Recoverers might have had or done, albeit the ſaid recoverers were never ſeiſed thereof; and ſhall alſo have a *Quare impedit* for an advowſon, if upon avoydance any diſturbance be made by a ſtranger, as the recoverers might have had, albeit they were never ſeiſed thereof by preſentation.

2. Here every Avowant in any Replegiare

giare or ſecond deliverance, if their avowry, conuſans or Juſtification be found for them, or the Plaint' be otherwiſe barred, ſhall recover his damages and coſts.

3. Termer for years may falſifie a faigned recovery had againſt him in the reverſion, and ſhall retain and enjoy his terme againſt the Recoverer, his heires and aſſignes, according to his Leaſe. 21 H. 8. c. 15.

4. Alſo the Recoverer ſhall have like remedy againſt the termer, his Executors and Aſſignes by Avowry or action of Debt for rents and ſervices reſerved upon ſuch leaſe, and due after ſuch recovery, and alſo like action for waſt done after ſuch recovery as the leſſor might have had, if ſuch recovery had never been.

5. No Stat' of ſtaple merchant or Execution by Elegit ſhall be avoyded by ſuch feigned recoveries, but ſuch ten'ts ſhall have like remedy to falſifie ſuch recoveries as is here provided for the Leſſee for years.

6. Upon a Replevin, an Avowry may be made by the Lord or Conuſee, and Juſtification by his Baylife or ſervant upon the Land holden of the ſaid Lord, without naming any perſon certain to be tenant thereof: the like law is alſo upon every writ ſued of ſecond deliverance. 21 H. 8. c. 19.

7. In

7. In any Replegiare or ſecond deliverance for rents, ſervices, cuſtoms, or damage feaſant, if the Avowry, Conuſance or Iuſtification be found for the Defendant, or the Plaint' be nonſuit or otherwiſe barred, the Defend' ſhall recover ſuch Damages and coſts as the Plaint' ſhould have had if he had recovered.

8. Both parties ſhall in ſuch Writs have like pleas, aid, prayers, Ioynders in aid, as at the common Law, notwithſtanding this act; pleas of diſclaimer onely excepted.

Baile.

13 *Car.* 2. *Seſſ.* 2. *c.* 2.

1. NO perſon arreſted upon any writ out of the Kings Bench or common pleas, upon which he is lyable by the Stat' 23 *H.* 6. *c.* 10. ſhall be forced to give ſecurity or enter into bond with Sureties for his appearance at the day in ſuch writ, bill or proceſſe ſpecified in any ſum above 40*l.* unleſs the cauſe of action be expreſſed particularly: and where ſuch cauſe of action is not expreſſed, all ſheriffs and officers ſhall let to baile perſons arreſted upon 40*l.* ſecurity for their appearance, according to the Stat' 23 *H.* 6.

2. Upon

2. Upon appearance by Atturney in terme entered in court, where the proceſs is returnable, the baile bond ſhall be ſatiſfied and diſcharged, and after ſuch appearance no amerciaments ſhall be eſtreated againſt any Sheriff or officer for want of appearance; and if the Plaint' in ſome perſonal action declare not before the end of the next terme after appearance, nonſuit ſhall be entered againſt him, and coſts taxed and levied, as in the Stat' 28 *H.* 8. *c.* 15.

3. Proviſo this Act extend not to *capias utlagatum*, Attachments upon Reſcous, Attachments of Priviledge, or any other attachment for contempt whatſoever, iſſuing out of any of the ſaid Courts.

Banckrupts.

1. IF any perſon (Subject or Denizen) exerciſing trade doth depart the Realm, conceal him or her ſelf, take Sanctuary, ſuffer him or her ſelf to be arreſted, outlawed or impriſoned without juſt cauſe, to the intent to defraud his or her Creditors being Subjects born, he ſhall be deemed Bankrupt. 13 *El. c.* 7.

2. The Lord Keeper or Chancellor upon complaint in writing againſt any ſuch Bank-

Bankrupt, may appoint honeſt and diſcreet perſons to take ſuch order with the body of the Bankrupt whereever found, and alſo with the Lands (as well Coppy as free) hereditaments, Annuities, offices, writings, goods, chattels and debts whereſoever known, which the Bankrupt hath in his own right, with his wife, child, or children, or by way of truſt, or any ſecret uſe; and to cauſe the ſaid premiſſes to be ſearched, rented, appraiſed and ſold for the payment of the Creditors rateably according to their debts, as in the diſcretion of ſuch Commiſſioners or the moſt part of them ſhall be thought fit.

3. The vendees of Coppy-hold Land ſhall compound with the Lord for their fines, and then ſhall be admitted and make fealtie according to the Cuſtome of the mannor.

4. Such of the Commiſſioners as execute the Commiſſion ſhall upon the Bankrupts requeſt render him the account and alſo the overplus (if any be) unto him, his Executors, Adminiſtrators and Aſſignes.

5. The Commiſſioners have power to convene before them any perſon accuſed or ſuſpected to have any of the Bankrupts goods, chattels or debts, or to be indebted unto

unto him; and for discovery thereof to examine upon Oath or otherwise, as they or the most of them think fit.

6. The Person refusing in that behalf to disclose or swear shall forfeit the double value of the goods and chattels so concealed, to be ordered and imployed by the Commissioners or the most part of them.

7. The person demanding or detaining any of the Bankrupts goods, chattels, lands, or debts not justly due, shall forfeit the double value to be levied, recovered and imployed as aforesaid.

8. If after all the Creditors are paid out of the Bankrupts Estate and the forfeitures, any surplusage be, it shall be by the Commissioners divided between the Queen, her heires and successors, and the poor of the place where such Bankrupts happen to be.

9. If any person indebted absent himself from his usual place of abode, upon conplaint the Commissioners or the most of them shall award 5 proclamations to be made upon 5 sundry market dayes near the said place, commanding him to render himself to the Commissioners or one of them; which if he do not in convenient time, he shall be adjudged out of the

Queens protection, and the party wittingly receiving or concealing him, upon Information to the Commissioners or the most of them, suffer such imprisonment and pay such fine as the Lord Chancellor or Keeper shall think fit.

10. The Creditor not fully satisfied by this means may, notwithstanding this act, take his course at law for the recovery of the residue of the debt.

11. The Estate which happeneth to the Bankrupt by purchase or descent after he becomes a Bankrupt, shall also be extendable by the Commissioners, or the more part of them.

12. This Act shall not extend to Annual Estates of Land (free or Coppy) by him conveyed before he became Bankrupt, so that they were conveyed *bonâ fide*, and not to such as were privy to his fraudulent purpose.

1 *Jac. c.* 15. 13. Every Subject born or Denizen, who using trade shall depart the Realm, keep house, absent him or her self, to be arrested for debt not justly grown due, to be outlawed, imprisoned, fraudulently procure his person to be arrested or goods attached, depart from home, make any fraudulent grant of Lands or goods, with intent

tent to deceive his other Creditors being Subjects born, or being arrested lye in prison 6 months or more, shall be adjudged a Bankrupt.

14. The Bankrupt hereby described shall be proceded against as is limited by the 13 *El.* 7. in like maner as if he had been there so fully described.

15. Any Creditor shall be received to take his part if he come in within 4 months after the Commission sued forth, and pay his part of the charge: otherwise the Commissioners may proceed to distribution.

16. If a Bankrupt grant his lands or goods, or transferr his debt into other mens names, except to his children upon marriage, they being of age to consent, or upon valuable consideration, the Commissioners may notwithstanding sell them, and such Sail shall be good.

17. If upon warning in writing left 3 times at the most usual place where he dwelt within one year before he became Bankrupt, he appear not before the Commissioners, they may cause him to be proclaimed at some publique place or places, and if upon 5 such proclamations he yield not himself, they shall by warrant cause

him to be brought before them to be examined concerning his Eſtate.

18. If the Bankrupt ſhall refuſe to be examined, the Commiſſioners ſhall commit him until he conform; or if being informed he commit perjury to the prejudice of the Creditors to the value of 10 l. or more, he ſhall be indicted for the ſame, and after conviction ſtand upon the pillory, and have one of his ears nailed thereto and cut off.

19. If any perſon be known or ſuſpected to detain any of the Bankrupts Eſtate, and do not appear or ſend ſome lawfull Excuſe at the next meeting after warning given him, or appearing refuſeth to be examined upon Oath, the Commiſſioners by warrant ſhall cauſe him to be arreſted, and if he ſtill refuſe, ſhall commit him until he do ſubmit.

20. The Witneſſes ſhall have convenient charges allowed them ratably by the Creditors, and ſuch of them as ſhall be perjured, and their procurers ſhall be indited upon the Stat' 5 *El.* 9.

21. The forfeitures of this Act ſhall be recovered by the creditors, and (the coſts of ſuit deducted) ſhall be ratably divided amongſt them.

22. The Commiſſioners have power to Aſſi-

Aſſign the Bankrupts debts to the Creditors, and by ſuch aſſignement they ſhall be recoverable as their proper debts.

23. No debtor ſhall be prejudiced by the payment of his debt to the Bankrupt, before he have notice that he is Bankrupt.

24. The Commiſſioners ſhall make ſuch accompt to the Bankrupt, and likewiſe pay him ſuch overplus, as by 13 *Eliz.* 7. is ordained, and the Creditors being all ſatisfied the bankrupt may recover the remaining debts.

25. If any of the Commiſſioners or other perſon imployed by them be ſued for any act done by force of the Commiſſion, the Defend' may plead not guilty, or Juſtifie, and the whole matter ſhall be brought in Evidence according to the very truth thereof, and if the verdict paſs for the Defend' he ſhall have his coſts.

26. The Commiſſioners ſhall proceed to Execution notwithſtanding the death of the Bankrupt.

27. All laws made againſt Bankrupts ſhall be conſtrued beneficially for the Creditors. 21 *Jac.* 19.

28. Perſons of Trade and Scriveners that procure protection except of Parliament,

ment, and all such as by exhibiting petitions endeavour to compel their Creditors to take less than their due debts, or to gain time for the payment thereof, or being indebted in 100l. or more shall not satisfie the same within 6 months after the same grows due, and the Debtor arrested, or within 6 months after the original writ sued out and notice given thereof in writing at the place of his abode, or after arrest escape out of prison, or procure enlargement by putting in common bayle, shall be adjudged Bankrupt, and in case of arrest from the time of the arrest.

29. Commissions and other proceedings provided by 13 *El.* 7. and 1 *Jac.* 15. shall also be pursued against him that by this act is prescribed to be a Bankrupt, and proceedings provided by this act shall be pursued against him that is described in the other 2.

30. The Bankrupts wife shall also be examined upon oath, and if she appear not or refuse to be examined, she shall incurr the punishment inflicted by the former lawes, in like cases.

31. The Bankrupt that fraudulently concealeth his goods, or tendreth not some just reason why he became Bankrupt, shal

ſhall after conviction be ſet in the pillory and loſe one of his ears.

32. The Commiſſioners may by themſelves or others break open the Bankrupts houſe or cheſts &c. where his Eſtate is, or is reputed to be, and then ſeiſe and order his body or Eſtate, as by the former laws is ordained.

33. In the Diſtribution of the Bankrupts Eſtate, no more reſpect ſhall be had unto debts upon Judgment, Recognizances, ſpecialties with penalties or the like, than to other debts.

34. The Commiſſioners may proceed when the Bankrupt by fraud makes himſelf accomptant to the King.

35. Another mans goods in the Bankrupts poſſeſſion ſhall be alſo diſtributed by the Commiſſioners as the Bankrupts own goods.

36. The Commiſſioners grant of the Bankrupts entailed Eſtate ſhall be good, except when the reverſion or remainder is in the King.

37. No Purchaſer ſhall be impeached by this or the former act, unleſs the Commiſſion be ſued forth within 5 years after he becomes bankrupt.

38. This act, as alſo all the former, ſhall

extend to Strangers, (both Aliens and Denizens) as well as to ſubjects born, as well to be relieved as alſo to be ſubject to the penalty thereof.

14 *Car.* 2. *c.* 24. 39. Whereas divers Noblemen, and Gentlemen, not brought up in trade, have notwithſtanding put great ſtocks into the Eaſt India and Guiny company, it is declared that no perſon adventurer for putting in mony or Merchandize into the ſaid Companies, or for adventuring or managing the fiſhing, called the royal fiſhing Trade, ſhall be taken or reputed a merchant or trader within any ſtat' for Bankrupt, or be lyable to the ſame.

40. Provided, that perſons Trading or trafficking in any other manner, than in the ſaid companies or fiſhing, ſhall be lyable to the Commiſſion of Bankrupts.

Baron and Femme.

32 *H.* 8. *c.* 38. *Mdyriage* ALL marriages ſhall be adjudged Lawful, that are not prohibited by Gods Law.

Brief.

1 H. 5. *f.* 5. 1. IN Original Writs, where Exigent ſhall be awarded, Addition of the Defen-

Defendants condition and dwelling shall be inſerted.

2. Outlawries otherwiſe proſecuted shall be void.

3. Surpluſage of Additions shall not prejudice, albeit the writ do therein vary from the Records and Deeds.

4. The Clerks of the Chancery shall not omit ſuch additions, in pain to be fined at the diſcretion of the Chancellor.

5. Original Writs may be ſued upon perſonal actions againſt Priſoners in the Fleet, and an *Habeas Corpus* granted to bring them to the Bar, to anſwer any ſuit or declaration: being put in, and the defendant not appearing, Judgement may be entred by *nihil dicit*, and the Priſoner charged in Execution upon notice hereof to the Warden of the Fleet by rule of Court. 13 *C.* 2. *Seſſ.* 2. *c.* 2. *Delays in Execution.*

6. In Actions of debt, and other perſonal actions, and *Ejectione firmæ* in any of the ſaid Courts, after Iſſue joined to be tried by the Jury, and after Judgement obtained, there shall not need to be fifteen dayes between the *Teſte* and return of any *venire fac'*, *Hab' corpora jurator'*, *Diſtringas*, *Fieri fac'* or *Cap' ad ſatisfac'*, and the want of it shall be no error.

7. Pro-

7. Provided this extend not to Writs of *Cap' ad ſatisfac'*, where any exigent after Judgement is to be awarded, nor to any *Cap' ad ſatisfac'*, in order to make any bail triable.

Certiorari.

21 *Iac. c.* 8. CErtioraries ſhall not be allowed unleſs the Indicted will become bound with ſufficient ſureties (ſuch as the Juſtices of Peace in Seſs' ſhall like of) to pay to the proſecutor within one month after conviction ſuch coſts and damages as the ſaid Juſtices ſhall aſſeſs.

Conditions.

32 H. 8. *c.* 34. 1. GRantees of Reverſions may take advantage of conditions and covenants againſt Leſſees of the ſame Lands, as fully as the Leſſors, their heirs or ſucceſſors might have done.

2. Leſſees may alſo have the like remedy againſt the grantees of Reverſions, which they might have had againſt their Leſſors or Grantors, their heirs or ſucceſſors; all advantage of recoveries in value, by reaſon of any Warranty in deed or

Law

Law by voucher or otherwise, only excepted.

Costs.

1. THere shall be no costs awarded to the Defendant, when any Action is sued to the Kings use. 24 H. 8. c. 8.

2. In personal Actions in the Courts at *Westminster* (being not for land or battery) when it shall appear to the Judges (and so by them signified) that the debt or damage to be recovered amount not to the summe of 40 *s.* or above, the said Judges shall award to the plaintiff no more costs than damages. 43 *El. c.* 6.

3. If the defendant or plaintiff be nonsuit, or overthrown by lawful trial in any action whatsoever, the tenant or defendant shall have costs to be assessed and levied by the 23 H. 8. c. 15. 4 *Jac. c.* 3.

4. If any person sue a writ of Error to reverse a Judgement after verdict, and the said Judgement is afterwards affirm'd, he shall pay to the defendant in the Writ of Error double Costs, to be assessed by the Court where such Writ of Error shall be depending. 13 *Car.* 2. *Sess.* 2. *c.* 2.

5. In all actions of Tresspass, Assault and Battery, 22, 23 *Car.* 2. *c.*

Battery, and other personal actions, wherein the Judge at the trial of the cause shall not find and certifie under his hand upon the back of the Record, that an Assault and Battery was sufficiently proved, or that the freehold or title of the Land was chiefly in question, the plaintiff shall have no more costs than damages, in cases the Jury find damages under 40 *s.*

Continuance. Discontinuance.

1 *E.6. c.7.* 1. THe death of the King shall not discontinue any suit betwixt party and party; neither shall the variance between the Original and Judicial process in respect of the Kings name be material, as concerning any fault to be alledged therefore.

2. Assises of *Novel disseisin*, Mortdancestor, Juris utrum, or Attaints, shall not be discontinued by reason of death, new Commissions, or Associations, or the not coming of the same Justices to any of them.

3. Preferment of the demandant or plaintiff to be Duke, Archbishop, Marques, Earl, Vicount, Baron, Bishop, Knight, Justice of the one bench or the other, or Serjeant

Serjeant at Law, shall not make the ſuit abatable.

4. Preferment of a Juſtice of Aſſiſe, Gaol-delivery, or Peace, or of any other Commiſſioners to the dignities aforeſaid, ſhall not leſſen his power.

5. New Juſtices of Gaol-delivery may give Judgement of a Priſoner found guilty of Treaſon or Felony, though he were reprieved by other Juſtices.

6. No Proceis or ſuit before Juſtices of Aſſiſe, Gaol-delivery, Oyer and Terminer, or Peace, or other of the Kings Commiſſioners ſhall be diſcontinued by a new Commiſſion, or by the alteration of any of their names.

Court. Admiralty.

1. THe Admirals Court ſhall not have cognizance of any thing done within the Realm, but onely upon the Sea. 13 *R.* 2. *c.* 5. *confirmed by* 2 H. 4. *c.* 11.

2. The party grieved upon non-obſervance of the 13 R. 2. c. 5. ſhall by action upon his caſe recover double *damages* againſt the Proſecutor in the Admiralty, and the Proſecutor ſhall alſo forfeit 10*l.* to the King.

Da-

Battery, and other personal actions, wherein the Judge at the trial of the cause shall not find and certifie under his hand upon the back of the Record, that an Assault and Battery was sufficiently proved, or that the freehold or title of the Land was chiefly in question, the plaintiff shall have no more costs than damages, in cases the Jury find damages under 40 *s.*

Continuance. Discontinuance.

1 *E.6. c.7.* 1. THe death of the King shall not discontinue any suit betwixt party and party; neither shall the variance between the Original and Judicial process in respect of the Kings name be material, as concerning any fault to be alledged therefore.

2. Assises of *Novel disseisin*, Mortdancestor, Juris utrum, or Attaints, shall not be discontinued by reason of death, new Commissions, or Associations, or the not coming of the same Justices to any of them.

3. Preferment of the demandant or plaintiff to be Duke, Archbishop, Marques, Earl, Vicount, Baron, Bishop, Knight, Justice of the one bench or the other, or Serjeant

Serjeant at Law, shall not make the ſuit abatable.

4. Preferment of a Juſtice of Aſſiſe, Gaol-delivery, or Peace, or of any other Commiſſioners to the dignities aforeſaid, ſhall not leſſen his power.

5. New Juſtices of Gaol-delivery may give Judgement of a Priſoner found guilty of Treaſon or Felony, though he were reprieved by other Juſtices.

6. No Proceis or ſuit before Juſtices of Aſſiſe, Gaol-delivery, Oyer and Terminer, or Peace, or other of the Kings Commiſſioners ſhall be diſcontinued by a new Commiſſion, or by the alteration of any of their names.

Court. Admiralty.

1. THe Admirals Court ſhall not have cognizance of any thing done within the Realm, but onely upon the Sea. 13 *R.* 2. *c.* 5. *confirmed by* 2 H. 4. *c.* 11.

2. The party grieved upon non-obſervance of the 13 R. 2. c. 5. ſhall by action upon his caſe recover double *damages* againſt the Proſecutor in the Admiralty, and the Proſecutor ſhall alſo forfeit 10*l.* to the King.

Da-

Damages.

3 H.7.c 10. confirmed by 19 H. 7. c. 20.

1. WHen any perſon bound by a Judgement ſhall ſue (before Execution had) a Writ of Error to reverſe it, if the Judgement be affirmed, the Writ diſcontinued, or the party that ſueth it be non-ſuit, the party againſt whom the Writ is brought ſhall recover his coſts and damages at the diſcretion of the Juſtices before whom the ſaid Writ is ſued.

23 H. 8. c. 15.

2. If the Plaintiff be non-ſuit or overthrown by lawful trial in any Action, Bill, or Plaint, for treſpaſs upon the 5 R.2.c.7. or for any debt or covenant upon ſpecialty or contract, or for detinue, accompt upon the caſe, or upon any Statute, the defendant ſhall have his coſts, to be aſſeſſed by the Judge, or Judges of the Courts, and to be recovered as the plaintiff might have recovered his, in caſe Judgement had been given for him.

3. He that ſues in *forma pauperis* ſhall not pay coſts, but ſhall ſuffer ſuch puniſhment as the Juſtices or Judge of the Court ſhall think fit.

8 El. c. 2.

4. When any perſon ſhall ſue forth of the Kings Bench any *Latitat*, *Alias*, and *Pluries*

Pluries Capias, againſt any perſon who thereupon doth appear, and put in bail, if the plaintiff do not declare within three dayes after, or do after declaration delay or diſcontinue his ſuit, or be non-ſuit, the Judges of that Court ſhall thereupon award damages againſt the plaintiff.

5. The like ſhall be done in the Courts of the Marſhalſea *London*, and all other Corporations and Liberties where the Courts are kept *de die in diem*, but where they are not ſo kept, then the plaintiff muſt declare at the next Court after appearance, unleſs he have longer time allowed him by the Court.

6. If any ſhall malitiouſly (for vexation and trouble) cauſe or procure any perſon to be arreſted or attached to anſwer in any of the ſaid Courts at the ſuit of any perſon, whereas there is none ſuch, or without the conſent and agreement of the party at whoſe ſuit ſuch arreſt and attachment is procured, the party ſo cauſing or procuring the ſame, and thereof convict by indictment, preſentment, the teſtimony of two or more witneſſes, or other due proof, ſhall ſuffer ſix months impriſonment without bail, and ſhall not be enlarged until he have ſatisfied the party grieved

grieved his treble damages, and beſides ſhall forfeit unto him (if he be known) 10 l. to be recovered (as alſo treble damages) by action of Debt, Bill or Plaint, in any Court againſt the party ſo offending, his Executors, or Adminiſtrators, in which no Eſſoign, &c. ſhall be allowed.

43 El. c. 6. 7. In perſonal actions in the Courts at *Weſtminſter* (being not for Land or Battery) when it ſhall appear to the Judges (and ſo by them ſignified) that the debt or damages to be recovered amount not to the ſumme of 40 s. or above, the ſaid Judges ſhall award to the Plaintiff no more coſts than damages, but leſs at their diſcretion.

Defalt. Apparence.

10 H. 6. c. 4. *confirmed by* 18 H. 6. c. 9. 1. NO Filizer, Exigenter, or other Officer whatſoever in any ſuit ſhall make entry, that the Plaintiff *obtulit ſe in propria perſona ſua*, unleſs the Plaintiff before ſuch entry made doth indeed appear in proper perſon before ſome of the Juſtices of the place where the Plea depends, and either by himſelf or ſome other credible perſon of his Counſel, make oath that he is the ſame perſon in whoſe name

name that suit is commenced and prosecuted.

Devise. Testament.

1. EVery person having mannors, Lands, tenements or hereditaments holden in Socage, or of the Nature of Socage tenure, and not having any mannors, Lands, &c. holden of the King by Knights service, Socage tenure in chiefe, nor of any other person by knights service, shall have power to give, dispose, will and devise as well by his last will and testament in writing, as otherwise by any act executed in his life, all such mannors, Lands, &c. at his pleasure. 32 H. 8. c. 1.

2. Where the Stat' 32 H. 8. c. 1. mentioneth mannors, Lands, &c. of inheritance, it shall be expounded and taken of Estates in fee simple. 34, 35 H. 8. c. 5.

3. Every person having a sole Estate in fee simple, or seised in coparcenary, or in common in fee simple, in any mannors, Lands, tenements, rents, or other hereditaments in possession, Reversion or Remainder, and having no lands holden of the King, or of any other by Knights service, may give, dispose, will or devise to any person or persons; (Except bodyes Politick

and corporate) by his laſt will and teſtament in writing, or by act executed in his life by himſelf ſolely or by himſelf and others joyntly, ſeverally, or particularly, or by all thoſe wayes or any of them as much as in him of right is, all his ſaid mannors, lands, tenements and hereditaments, or any of them, or any rents, commons, or other profits out of the ſame or any parcel thereof, at his free will and pleaſure.

Diſcontinuance.

11 H. 7. c. 20.

1. IF a woman, that hath an eſtate in Dower, for life, or in Taile, jointly with her husband, or onely to her ſelf, or for her uſe, in any lands &c. of the Inheritance or Purchaſe of her husband, or given to the husband and wife by the husbands anceſtors, or any ſeiſed to the uſe of the husband or his anceſtors, do, ſole, or with an after-taken husband, diſcontinue, or ſuffer a Recovery by covin, it ſhall be void, and he to whom the land ought to belong after the death of the ſaid Woman, may enter, as if the woman were dead, without diſcontinuance or recoverie.

2. Provided, that the woman may enter after

after the husbands death. But if the woman were ſole, the Recovery or diſcontinuance barreth her for ever.

3. This act extends not to any recovery, or diſcontinuance with the heir next inheritable to the woman, or by his conſent of record enrolled.

Diſmes.

1. EVery perſon ſhall without fraud yield and pay all predial Tythes, as hath been uſed, or of right or cuſtome they ought to have been paid. 2,3 E 6. c. 13.

2. None ſhall take or carry away any Tythes payd, (or that ought to have been payd as aforeſaid) before he hath juſtly divided and ſet forth for the uſe thereof, the 10th part thereof, or otherwayes agreed for the ſame tythes with the Parſon, Vicar, or other owner or proprietor or farmer thereof in pain to forfeit the treble value of the tythes ſo carried away.

2. At Tything time it ſhall be lawfull for the owner (claiming ſuch predial tythes) his deputy or Servant, to ſee his ſaid tythes be truly ſet out and ſevered from the nine parts, and the ſame quietly to take and carry away.

3. If any perſon carry away his Corn, Hay, or other predial tythes before they be ſet out, or willingly withdraw his tythes of the ſame, or other things whereof the tythes ought to be paid, or do let ſuch owner to view, take and carry away ſuch tythes, by reaſon whereof they are loſt, impaired or hurt, that then upon due proof thereof before a ſpiritual Judge the party ſo carrying away, withdrawing or ſtopping ſhall pay the double value of the tythe ſo taken, loſt, withdrawn or taken away before coſts of ſuit to be recovered before ſuch Eccleſiaſtical Judge according to the Eccleſiaſtical laws.

4. Tythe of Cattel feeding in a waſt or common where the Pariſh is not known, ſhall be payd by the owner of ſuch Cattel in the Pariſh where he dwells.

5. None ſhall be compelled to pay tythes for lands, or other hereditaments, which by the Laws and Statutes of the Realm, or by any priviledge or preſcription, are not chargeable therewith, or are diſcharged by any compoſition real.

5. Barren Heath, and waſt ground (other then ſuch as be diſcharged from tythe by Parliament) which hath heretofore payd no tythes by reaſon of the barrenneſs thereof, but be now improved and con-

converted to arable ground or meadow, shall at the end of 7 years next after ſuch improvement pay tithes; or if they yield ſome ſmall tythe before ſuch improvement, they ſhall only pay that ſame ſmall tythe during the firſt 7 years, but afterward ſhall pay the full tythe according to ſuch improvement.

6. Every perſon exerciſing Merchandice, buying and ſelling, or any other art or faculty, (being ſuch perſons and in ſuch places as heretofore have uſed to pay perſonal tythes within 40 years, or of right ought to have payd them, and not day Labourers) ſhall yearly at or before Eaſter pay for his perſonal tythes the 10th part of his clear gains, reaſonable charges and expences being deducted.

7. Handycraft men having uſed to pay tythes within 40 years ſhall ſtill pay them.

8. The ordinary hath power to examine him that refuſeth to pay his perſonal tythes by any lawfull meanes otherwiſe than by his own oath concering the payment of ſuch tythes.

9. Offerings ſhall be payd in the place where the party dwells at ſuch 4 offering dayes as heretofore within the ſpace of 4 years laſt paſt have been uſed for the

payment thereof but in default thereof at Eaſter.

10. Pariſhes that ſtand upon or towards the ſea coaſt, the commodities whereof conſiſt much in fiſhing, ſhall pay their tythes as they have done within 40 years, and their offerings as aforeſaid.

11. This Act ſhall not extend to *London*, or *Canterbury*, or their Suburbs, or to any other Town, or place, where the inhabitants have uſed to pay tythes by houſes.

12. Suites for ſubſtracting or withdrawing of tythes or other profits ſpiritual ſhall be proſecuted in the Eccleſiaſtical Court before the Eccleſiaſtical Judge who hath power (no original or Prohibition hanging) to Excommunicate the party diſobeying the ſentence, and if he ſtand Excommunicate 40 dayes to certifie the Excommunication (after publication at the place or pariſh where ſuch party dwells) into Chancery, and thereupon to require proceſſe *de excommunicato capiendo*, to be awarded againſt the perſon ſo Excommunicate.

13. Before a prohibition ſhall be granted the patty Plaint' ſhall bring a true coppy of the libell exhibited into the Eccleſiaſtical

astical Court concerning that suit, subscribed with the hand of the party, and thereunder shall be written the Suggestion whereupon the party demandeth such prohibition; and the libell thus ordered shall be delivered to the Justices of the Court where the prohibition is so demanded: and if such suggestion be not proved to that Court by 2 sufficient witnesses within 6 monthes next after such prohibition granted, the other party shall upon request have consultation, the double costs and damages awarded by the said court, and may recover such costs and damages by action of debt.

14. This act shall not give power to any Ecclesiastical Judge to hold plea of any matter against the meaning of the Statute of *W.* 2. *c.* 5. *Articuli cleri, circumspecte agatis, Sylva cædua*, the treatise *de regia prohibitione*, nor of 1 *E.* 3. 10. nor to any of them, nor where the Kings court ought of right to have Iurisdiction.

15. No tithes of marriage goods shall be paied in *Wales* or the marshes thereof.

Dower. Jointure.

1. WHere an estate is made in possession, or use to husband and 27 *H.* 8. *c.* 10.

wife, and his heires, or the heires of their two bodies, or to them for their lives, or for the wives life for her Iointure, in any of these cases she shall not have dower: Howbeit, upon a lawfull eviction of that Iointure, she shall be endowed according to the rate of the husbands land whereof she was dowable.

2. Such a Iointure being made after marriage, the wife (after her husbands death) may refuse it and betake her to her dower, unless such Iointure be made by Act of Parliament.

Entrie.

32 H. 8. c. 33. 1. Where a disseisor dieth seised of lands, that descent shall not take away the entry of the disseisee, or his heire, unless the disseisor had peaceable possession thereof five years next after such disseisin committed.

19 Car. 2. c. 11. 2. If any prisoner, person for whose life or lifes any estates have been or shall be granted remaining beyond sea, or otherwise absenting themselves the Realm for 7 years, and no sufficient proof made of their lives, shall thereupon be accounted

ed naturally dead; and if thereupon any perſon ſhall be evicted out of any lands or Tenements by virtue of the ſame act, and afterwards the perſon upon whoſe life the eſtate depends ſhall return, or be proved living, or to have been living at the time of the eviction, then the tenant or leſſee who was ouſted, or his Executors *&c.* may reenter, repoſſeſs and enjoy the ſaid land in their former eſtate, ſo long as the perſons upon whoſe lives the eſtate depends ſhall live, and ſhall recover againſt the leſſors *&c.* or other perſons upon action for damages, the full profits, with lawfull intereſt.

Error.

1. HE in reverſion ſhall have a writ of Error upon an erroneous Judgment given againſt tenant for life. 9 *R.* 2. *c.* 3.

2. For preventing abatement of writs of Error upon Judgment in the Exchequer, enacted: That the not coming of the Lord Chancellor and Lord Treaſurer or either of them at the day of the return of any writ of Error, to be ſued forth by Vertue of the Statute 31 *Ed.* 3. *c.* 12. (recited in the Statute 31 *El. c.* 1.) ſhall 16 *Car.* 2. *c.* 2.

not

not cauſe any abatement, or diſcontinuance of any ſuch writ of Error. But if both the Chief Juſtices of either Bench, or either of them, or any one of the ſaid great officers, the Lord Chancellour, or Lord Treaſurer, ſhall come to the Exchequer Chamber, and there be preſent at the day of the return of any ſuch writ of Error, it ſhall be no abatement or diſcontinuance: But the ſuit ſhall proceed, to all intents, as if the ſaid Lord Chancellour and Lord Treaſurer had come and been preſent at the day and place of return of ſuch writ.

16,17 *Car.* 2. *c.* 8. 3. After a verdict of 12 men in any action, ſuit, bill, or demand, commenced after the 25th of March 1665. in any of the Courts of Record at *Weſtminſter*, or Courts of Record in the County *Palatine* of *Cheſter*, *Lancaſter*, or *Durham*, or Court of the great Seſſion, or in any of the 12 ſhires of *Wales*, Judgment thereupon ſhall not be ſtayed or reverſed, for default in forme or lack of forme, or lack of pledges, or but one pledge to proſecute returned upon the Original writ, or for default of entring of pledges upon any bill or declaration, or for default of bringing into Court of any Bond, Bill, Indenture,

ture, or other deed whatſoever mentioned in the declaration or other pleading, or for default of allegation of the bringing into Court of letters Teſtamentary, or letters of Adminiſtration, or by reaſon of the Omiſſion of *Vi & armis*, or *contra pacem*, or for miſtaking of the Chriſtian name, or Sur-name, of the plaint' or defend', demand' or Tenant, ſumme or ſummes of money, day, month, or year, by the Clarke in any Bill, Declaration, or pleading, where the right name, Sur-name, ſumme, day of the month or year, in any writ, plaint, Roll or Record preceeding, or in the ſame Roll or Record, where the miſtake is committed, is rightly alledged, whereunto the plaintiffe might have demurred, and ſhewen the ſame for cauſe: Nor for want of the averrment of *Hoc paratus eſt Verificare per Recordum*, or for not alledging, *prout patet per Recordum*, or for that there is no right Venue, ſo as the cauſe were tryed by a Jury of the proper County or place where the acted is layd.

4. Nor any Judgment after Verdict, confeſſion by *Cognovit actionem*, or *relicta verificatione*, ſhall be reverſed for want of *miſericordia*, or *Capiatur*, or by reaſon that a *Capiatur* is entered for a *miſericordia*, or a

miſeri-

miſericordia for a *Capiatur*: Nor, that *Ideo conceſſum eſt per Curiam* is entered for *ideo conſideratum eſt per Curiam*; nor for that encreaſe of coſts after a Verdict in any action or upon a nonſuit in Replevin, are not entred to be at the requeſt of the party for whom the Judgment is given, nor by reaſon that the coſts in any acton whatſoever are not entered to be by conſent of the plaint': But that all ſuch omiſſions, variances, defects and other matters of like nature, not being againſt the right of the matter of the ſuits, nor whereby the iſſue or Tryal are alter'd, ſhall be amended by the Juſtices and other Iudges of the Courts where ſuch Judgments are or ſhall be given, or whereupon the record is or ſhall be removed by writ of errour.

5. Provided this Act extend not to any writ, declaration or ſuit of Appeal of Felony or Murther, nor any Indictment nor preſentment of Felony, Murther, Treaſon, or other matter, nor to any proceſſe upon any of them, nor to any writ, Bill, action or Information upon any penal Statute, other than concerning Cuſtomes and ſubſidies of Tunnage and poundage.

6. And after the 20th of March 1664. no execution ſhall be ſtayed in any of the afore-

aforesaid Courts by writ of Errour, or *superſedeas* thereupon after Verdict and Judgment in any action personal whatsoever, unless a recognisance with condition according to the former Statute made 3 *Jac. c.* 8. shall be first acknowledged in the Court where such Judgment shall be given.

7. In writs of Errour to be brought upon any Iudgment after Verdict in any writ of Dower, or of *Ejectione firmæ*, no Execution shall be stayed, unless the plaint' in such writ of Error shall be bound to the plaint' in such writ of Dower or *Ejectione firmæ* in such reasonable summ as the Court to which such writ of Error shall be directed, shall think fit, with condition that if the Judgment shall be affirmed in the said writ of Error, or the writ of Error discontinued in default of the plaint' therein, or that the said plaint' be nonsuit in such writ of Error, that then the plaint' shall pay such costs, dammages, and summs of money as shall be awarded after such Iudgment affirmed, discontinuance, or nonsuit; And the Court wherein such execution ought to be granted upon such affirmation, discontinuance or nonsuit, shall issue a writ to enquire

quire as well of the mean profits, as of the damages by any wayes committed after the first Iudgment in Dower or *Ejectione firmæ*: And upon return thereof Iudgment shall be given, and execution awarded for such mean profits and damages, and for costs of suit.

8. Provided this Act extend not to any writ of Error to be brought by any Executor or Administrator, nor any action Popular, nor to any other action which is or shall be brought upon any penal law or statute (except actions of debt for not setting forth of Tythes) Nor to any Indictment, presentment, Inquisition, Information, or Appeal.

9. This Act to continue in force for three years, and to the end of the next session of Parliament, after the said three years, and no longer.

17 Car. 2. c. 8. *Death after Verdict.*

10. In all Actions, personal, real, or mixt, the death of either party, between the Verdict and Judgement, shall not be alledged for error, so as such Judgement be entred within two terms after such Verdict.

11. This Act to continue for the space of five years, and from thence to the end of the next Sessions of Parliament.

12. Judge-

12. Judgement shall or may be given in any Suit or Writ, or Writs of Error in the Exchequer, in the presence of the Lord Keeper, notwithstanding the vacancy of a Lord Treasurer, in such manner as hath been accustomed where there was present both the Chancellor, and the Lord Treasurer. 20 Car. 2. c. 4. Exchequer.

Excommengement.

1. EVery Writ *de Excommunicato capiendo* shall be made in Term time, and returnable in the Kings Bench the next day after the *Teste* thereof, having 20 dayes betwixt the *Teste* and return. 5 El. c. 23.

2. After the Writ shall be sealed, it shall be forthwith brought into the Kings Bench, and there opened, and delivered of record to the Sheriff or other Officer, or other Deputies to whom the Execution thereof appertains, and then if the Sheriff or other Officer do not duly execute it, the Justices shall amerce him at their discretion, and estreat the amercement into the Exchequer.

3. At the return of the Writ, the Sheriff or other Officer, &c. shall not be compelled

pelled to bring the party arrested into the Kings Bench, but only return the Writ with a short Declaration how it was executed, to the end the Justices may proceed therein according to the tenor of this act.

4. If the Sheriff, or *&c.* return a *non est inventus*, then shall issue out of the Kings Bench a *Capias* returnable in term time two months (at least) after the teste thereof, with a Proclamation to be made 10 dayes (at least) before the return in the County Court, Assise, Gaol-delivery, or Sessions, that the party shall within 6 dayes after such Proclamation yield his body to the Gaol, and there remain as a Prisoner, in pain of 10 l. and what shall be done therein, and thereupon shall be returned by the Sheriff, or *&c.*

5. If upon the return it appear that the party hath not rendred himself prisoner upon the first *Capias*, he shall forfeit 10 l. more to be estreated as aforesaid, and then a second *Capias* shall be awarded against him with a pain to forfeit 20 l. to be estreated by the Justices as aforesaid, and then a third *Capias* shall be awarded with like Proclamation and pain, and then a fourth, and so infinitely, until he render himself

himself prisoner, upon the several returns whereof he shall forfeit 20 l. to be estreated as aforesaid.

6. The party yielding his body shall be committed to prison in like sort as if he had been taken upon the *Excom. Cap.*

7. If the Sheriff, *&c.* make a false return upon any of the said Writs, he shall forfeit to the party grieved 40 l.

8. The Bishops Authority to receive submission, and deliver the Excommunicate is saved according to the former usuage, *viz.* by a certificate thereof from the Bailiff into the Chancery, and then a Writ from thence to deliver the Prisoner.

9. In *Wales*, the Counties Palatine of *Lancaster*, *Chester*, and *Durham*, and *Ely*, (the Cinque Ports being Jurisdictions exempt, where the Queens Writ runneth not) a *Significavit* (being of Record in Chancery) shall be sent by *Mittimus* to the Justices or head Officers there, who shall then proceed against the Excommunicate as the Kings Bench is above directed.

10. If in the *Excom. Cap.* the Excommunicate have not a sufficient addition according to the Statute 1 H 5. 5. or if in the *Significavit* it be not contain-

ed that the Excommunication proceeds upon ſome cauſe or contempt of ſome original matter of Hereſie, refuſing to have his child baptiſed, refuſing to receive the Sacrament, to come to Divine Service, or Errors in matters of Religion or Doctrine, Incontinency, Uſury, Symony, Perjury in the Eccleſiaſtical Court, or Idolatry, he ſhall not incurr the penalties aforeſaid.

11. If the Addition be with a *nuper* of ſuch a place, the firſt *Capias* and Proclamation ſhall iſſue forth without any penalty: and in ſuch caſe alſo if the party be proclaimed in a County where he is not for the moſt part reſiant, he ſhall not incurr the penalties aforeſaid.

12. Perſons in Priſon under age, *non ſane memory*, ſhall not incur the penalties aforeſaid.

Execution.

32 H. 8 c. 5. 1. IF Lands delivered in Execution on juſt cauſe be recovered without fraud from the tenant in Execution before he ſhall have levied his whole debt and damages, he may have a *ſcire fac'* out of the Court from whence he had his Execution,

tion, returnable into the ſame Court at a day 40 dayes at leaſt after the date of ſuch *ſcire fac*; At which day if the Defendant being lawfully warned make default, or do appear and not plead a ſufficient cauſe other than the former acceptance of the Lands, to avoid the ſaid ſuit for the reſidue of the ſaid debt and damages, the ſaid Court ſhall award a new writ of Execution for the levying thereof.

2. No Execution ſhall be ſtayed upon any Writ of Error or *Superſedeas* thereupon for the reverſing of a Judgement in any Action of debt, or upon any contract in the Courts at *Weſtminſter*, of the Counties Palatine of *Lancaſter*, or *Cheſter*, or of the great Seſſions in *Wales*, unleſs the Plaintiff with two ſufficient ſureties (ſuch as the Court ſhall like of) ſhall firſt be bound to the party (for whom ſuch judgement is given) by Recognizance in the ſame Court, in double the ſumme adjudged, to proſecute the ſaid Writ of Error with effect, and to pay, if the judgement be affirmed, all debts, damages and coſts ſo adjudged, and all coſts and damages for delaying the Execution by the Writ of Error. 3 *Jac. c.* 8.

3. The parties or party at whoſe ſuit any 21 *Jac. c.* 24.

any perſon ſhall ſtand charged in Execution for debt or damages recovered, their Executors, Adminiſtrators, may after the death of the perſon ſo charged in Execution lawfully ſue forth new Execution againſt the Lands and Tenements, Goods and Chattels of the perſon deceaſed, in like manner as if the perſon deceaſed had never been taken in Execution: Howbeit this act ſhall not extend to Lands ſold *bona fide* after the Judgement given, when the money raiſed thereupon is paid, or ſecured to be paid to Creditors in diſcharge of due debts.

4. For further remedy againſt the ſtaying of Execution after Judgement in part provided againſt by the Stat' 3 *Jac. c.* 8. no Execution ſhall be ſtayed in any of the ſaid Courts by Writ of Error or *Superſedeas* after Verdict and Judgement, in Action of debt upon the Stat' of 2 *E.* 6. for Tythes, promiſe for payment of money, Trover, Covenant, Detinue, or Treſpaſs, unleſs ſuch Recogniſance in the ſame Court be firſt entred as directed by the ſaid Statute, and if ſuch Judgement be affirmed, the party preſenting ſuch Writ of Error to pay double coſts for ſuch delay.

5. *Pro-*

5. *Proviſo* this Act ſhall not extend to any popular action, except 2 *E.* 6. nor to any Indictment, Information, Inquiſition, or Appeal.

6. When any Judgement, Statute, or Recognizance ſhall be extended, it ſhall not be avoided or delayed by occaſion of omiſſion of any part of the Lands or Tenements extendible, ſaving always the remedy of Contribution againſt ſuch perſon whoſe Lands be or ſhall be extended out of ſuch extent for time to come. 16. 17 *C.* 2 *c.* 5.

7. This Act gives no extent or contribution againſt any Heir within the age of 21 years, during ſuch minority, further than might have been before this Act.

8. Provided this Act extend only to ſuch Statutes as be for the payment of money, and to ſuch extents as ſhall be within 20 years after the Statute, Recognizance, or Judgement had.

9. This Act to continue for three years, and from thence to the end of the next ſeſſion of Parliament, and no longer.

10. Where any Judgement after a Verdict ſhall be had, by, or in the name of any Executors or Adminiſtrators, in ſuch caſe an Adminiſtrator *de bonis non* may ſue forth a *ſcire fac'*, and take 17 *Car.* 2. *c.* 8.

Execution upon such Judgement.

11. This Act to continue for the space of five years, and from thence to the next sessions of Parliament.

Executor.

31 El. c. 11. THE Ordinarys shall depute the next and most lawful freinds of the intestate to administer the goods; which deputies shall have the benefit and incurr the charge of an Executor, and shall also be accountable to the Ordinaries as Executors.

21 H 8. c. 5. 2. Administration of intestates goods shall be granted to the widdow, or next of kin to the intestate, or both as the ordinary shall think fit.

22,23 Car. 2. c. 10. 3. The Ordinary or other person enabled to make distribution of the surplusage of the Estate of the Intestate shall distribute one third to the wife, and all the residue equally amongst the children and such persons as legally represent his Children, in case any of them be dead, other than such child, or children (not being heire at Law) who shall have any Estate by the Settlement of the intestate, or shall be advanced by the intestate in his life time by por-

portion, or portions equal to the share that shall by such distributions be allotted to the other children to whom such distribution is to be made; and in case any child (other than the heire at Law) who shall have any Estate by Settlement from the said intestate, or shall be advanced in his life time by the intestate by portion not equal to the share which will be due to the other children by such distribution as aforesaid, then so much of the Surplusage of the Estate of the Intestate to be distributed to such child or children as shall have any such Land, or Settlement from the Intestate, or were advanced in his life time, as shall make the Estate of all the said children to be equal as near as can be estimated: But the heire at Law notwithstanding any Land that he shall have by descent or otherwise from the Intestate is to have an equal share in the distribution with the rest of the children without any consideration of the value of the Land which he hath by descent, or otherwise from the Intestate.

4. And in case there be no children nor any legal representatives of them, then one moyetie of the said Estate to be allotted to the wife of the intestate, the residue of the said Estate to be distributed equally to

every of the next of kindred of the Inteſtate who are in equal degree, and thoſe who legally repreſent them.

5. Provided that there be no repreſentatives amongſt collaterals after Brother and Siſters children; and in caſe there be no wife, then the Eſtate to be equally diſtributed to, and amongſt the Children; and in caſe there be no Children, then to the next of kindred in equall degree of, or unto the Inteſtate, and their Legal Repreſentatives, and in no other manner whatſoever.

6. No ſuch diſtribution ſhall be made till after one year after the Inteſtates death, and every one to whom any Share ſhall be allotted ſhall give bond with Sureties in the ſaid Courts to ſecure the Adminiſtrator *pro rata*, if any debts be afterwards recovered.

7. This Act to continue for 7 years and from thence to the next Seſſion of Parliament.

4 E. 3. c. 7. 8. Executors ſhall have an action for a treſpaſs done to their Teſtator, as for his goods and Chattells carried away in his Life, and ſhall recover their dammage, in like manner as he, whoſe Executors they are, ſhould have done if he had lived.

35 E. 3. c. 5. 9. Executors of Executors ſhall have actions

actions of debt, account, and of goods carried away of the first testators, and Execution of Statute Merchants, and recognisances made unto him, and shall also answer to others so far forth as they shall recover of the first testators goods, as the first Executors should have done.

10. That part of the Executors which take upon them the charge of a will, may sell any land devised by the Testator to be sold, albeit the other part, which refuse, will not joyne with them. 21 H.8.c.4.

11. If any person shall obtain any goods, or debts of an intestate, or releases or other discharge of any debt or duty (which belonged to the intestate) by fraud (or by procuring the Administration to be granted to a stranger of mean estate and not to be found, with intent thereby to obtain the intestates estate) and not upon valuable consideration, or in satisfaction of some just debt answerable to the value of the goods so obtained, in such case such person shall be chargeable as Executor of his own wrong, so far as the value of the goods, or debts so obtained shall amount unto: Howbeit he shall also be allowed such reasonable deductions, as other Executors, or Administrators ought to have.

Finis.

Fines.

1 R.3. c.7. 1. A Fine ſhall after the ingroſſing thereof be openly read and proclaimed in the common pleas, the ſame term, and there the three next terms after, upon four ſeveral days, and in the mean time all pleas ſhall ceaſe.

2. A tranſcript of the fine ſhall be ſent to the Juſtices of Aſſize of the County where the land lyeth, to be there alſo proclaimed at every Aſſize holden there that year, and then alſo all pleas ſhall ceaſe.

3. An other tranſcript thereof ſhall be alſo ſent to the Juſtices of Peace of the ſame County, to be in like ſort proclaimed at their four Seſſions holden that year: And both the Juſtices of Aſſize and Peace ſhall make Certificate of ſuch proclamation made, the ſecond return of the term then next following.

4. A fine ſo proclaimed and certified ſhall conclude all perſons both privy and Strangers (Except women covert, other than ſuch women as the parties to the fine, perſons under age, in priſon, out of the realm, or out of ſound mind) if they purſue not their right, title, claime, intereſt, by

by way of action or lawful entry within 5 years after the proclamations ſo made and certified as aforeſaid.

5. The right of Strangers which happens to come unto them after the fine is engroſſed is ſaved, ſo that they purſue their right or title within 5 years after it ſo comes to them: and here an action againſt the pernor of the profits is maintainable.

6. If the parties to whom ſuch right or title comes, be covert, under age, in priſon, out of the Land, or of *non ſane memory*, they or their heirs have time to purſue their right or title, within 5 years after ſuch imperfections removed: ſo alſo have they in caſe they had right of title at the time of the fine levied.

7. Fines at the common Law have the ſame force they had before; and a fine may be levied according to this Statute or the common law, at the Election of the parties.

8. Every Fine after the engroſſing ſhall be proclaimed in the Court the ſame Term, and the 3 next, four ſeveral days in every Term, and in the mean time all pleas ſhall ceaſe. 4 H. 7. c. 24.

9. The Proclamations being ſo made, the fine ſhall conclude all perſons both privyes and ſtrangers, except perſons under

der age, covert, out of the Realm, or not of *Sane memory*, being not parties nor privyes to the fine.

10. The right and intereſt that any perſon or perſons, (other than parties) hath, or have at the time of the fine engroſſed, is ſaved, ſo that they or their heirs, purſue ſuch their right or intereſt by action or lawful entry within 5 years after the proclamation ſo made: ſo alſo is the right and intereſt ſaved, which accrues after the ingroſſing of the fine, ſo that the parties having the ſame, purſue it within 5 years after it ſo accrues; and in this caſe the action may be brought againſt the perſon of the profits.

11. If at the time of the fine ingroſſed, or of ſuch accruer as aforeſaid, the perſons be Covert, (and no parties to the fine) under age, in priſon, out of the Realm, or of *non ſane memory*, they or their heirs have time to purſue their actions within 5 years after ſuch imperfection removed.

12. The exception, that none of the parties, nor any to their uſe had any thing in the lands at the time of the fine levied, this way or at the common law, at the pleaſure of the parties.

13. Fines

13. Fines at the Common Law have the ſame force they had before the making of this Act, and a fine may be levied this way, or at the Common Law, at the pleaſure of the parties.

14. All Fines levied by any perſon or perſons of full age, of Lands intailed before the ſame Fine, to themſelves or to any of their Anceſtors in Poſſeſſion, Reverſion, Remainder, or Uſe, ſhall immediatly after the Fine ingroſſed and Proclamations made, be a ſufficient barre againſt them and their Heirs, claiming only by ſuch intail, and againſt all other claiming only to their uſe, or to the uſe of any heir of their bodies. 32 *H.* 8. *c.* 36.

15. Howbeit this Act ſhall not barre the intereſt of any perſons accrued, by reaſon of any Fine levied by a woman, after her Husbands death, contrary to the Statute of 11 *H.* 7. 20.

16. A Fine levied by him who is reſtrained by any expreſs Act of Parliament ſo to do, ſhall be void, notwithſtanding this Act.

17. This Act ſhall not extend to any Fine heretofore levied of Lands now in ſuit, or heretofore lawfully recovered in any Court by Judgement, or otherwiſe:

Nor

Nor to any Fine of Lands intailed by the Kings Letters Patents, or any Act of Parliament, the reverſion thereof at the time of ſuch Fine levied being in the King.

Fraud.

13 El. c. 5. I. ALL fraudulent conveyances of Lands, Tenements, Hereditaments, Goods or Chattels, and all ſuch Bonds, Suits, Judgements, and Executions, made to avoid the debt or duty of others, ſhall (as againſt the party only, whoſe debt or duty is ſo endeavoured to be avoided, their Heirs, Succeſſors, Executors or Aſſignes) be utterly void; any pretence, feigned conſideration, or *&c.* notwithſtanding.

2. Every of the parties to ſuch a fraudulent conveiance, Bond, Suit, Judgement, or Execution, who being privy thereunto ſhall wittingly juſtifie the ſame to be done *bona fide*, and upon good conſideration, or ſhall alien or aſſign any Lands, Leaſe, or Goods, ſo to them conveyed as aforeſaid, ſhall forfeit one years value of the Lands, Leaſe, Rent, Common, or other profit out of the ſame, and the whole value of the goods, and alſo ſo much

much money as ſhall be contained in ſuch covenous Bond; and being thereof convicted, ſhall ſuffer half a years impriſonment, without bail: and here the ſaid forfeitures are to be divided betwixt the Queen, and the party grieved.

3. Common Recoveries againſt the tenant of the freehold, ſhall be good notwithſtanding this Act; and ſo ſhall all Eſtates made for procuring of a voucher in *Formedon*: Neither ſhall this Act extend to grants made *bona fide*, and upon good conſideration, to perſons not privy to ſuch colluſions.

4. Every Conveyance, Grant, Charge, Incumbrance, and Limitation, of uſe or uſes, of, in, or out of any Lands, or other Hereditaments made to defraud any purchaſer of the ſame, in fee, or taile, for life, or years, ſhall (as againſt ſuch purchaſer only, and every other perſon lawfully claiming from, by or under him) be utterly void; the ſaid purchaſer having obtained the ſame for money, or ſome other good conſideration. 27 *El. c.* 4.

5. Every of the parties to ſuch fraudulent conveyances, or being privy thereunto, who ſhall juſtifie the ſame to be made *bona fide*, and on good conſideration,

to

to the disturbance and hinderance of the purchasor, or of any other lawfully claiming from, by, or under him, shall forfeit one years value of the Lands, or other hereditaments so purchased or charged, to be divided betwixt the Queen and the party grieved, and being thereof convicted, shall suffer half a years imprisonment without bail.

6. Conveyances made upon good consideration, and *bona fide*, shall be good, notwithstanding this Act.

7. If Lands be first conveyed with clause, provision, or condition of revocation, determination or alteration, and afterwards sold or charged for money or other good consideration, before the first conveyance was revoked, altered, or made void, according to the power given thereby; In this case such first conveyances shall be void against the Vendee, and all others lawfully claiming from, by, or under him: Howbeit no lawful Mortgage, made *bona fide*, without fraud, shall be impeached by this Act.

8. All Statutes Merchant, and of the Staple, shall within six months after this acknowledgement be entred in the Office of the Clerk of Recognizances, taken according

cording to the Statute of 23 *H.* 8. 6. and the Clerk there (upon ſhewing the ſame) ſhall make entry thereof, for which he ſhall have 8 d. and no more.

9. Every ſuch Statute, which is not within four months after the acknowledgment thereof delivered to be entred accordingly, ſhall be void againſt the purchaſer of the Lands chargeable therewith, and againſt his Heirs, Succeſſors, Executors and Aſſignes.

10. The ſaid Clerk ſhall within the ſaid ſix months make entry of every Statute to him delivered, as aforeſaid, and ſhall indorſe thereupon the day and year of ſuch his entry with his own name, in pain to forfeit for every Statute ſo brought unto him, and not entred as aforeſaid, 20 l. to be divided betwixt the Queen, and the proſecutor.

11. The Clerk ſhall take for the ſearch of a Statute but 2 d. for every ſuch ſearch, in pain to forfeit to the party grieved twenty times ſo much as he takes above, to be recovered in any Court of Record by Action of debt, *&c.*

12. Provided, that this Act ſhall not extend to make good any purchaſe made void by reaſon of any former conveyance,

so as the party so making void the same, his Heirs or Assignes, were the first day of this Parliament in actual possession of the Lands, out of which any such Purchase, Lease, Charge, or Profit was made.

Habeas Corpus.

2 H. 5. c. 2. Corpus cum causa.

1. If a *Corpus cum causa*, or *Certiorari* be granted out of the Chancery to remove one that is in prison upon an Execution at another mans suit, he shall be remanded.

43 El. c. 5.

2. No Writ of *Habeas Corpus*, or other Writ sued forth to remove an Action, shall be allowed, unless it be delivered to the Judge, or Officer of the Court, before the Jury appear, and one of them be sworn.

21 Jac. c. 23

3. No Writ to remove a suit commenced in an inferior Court shall be obeyed, unless delivered to the Steward, &c. of the same Court before issue or demurrer joined; so as such issue or demurrer be not joined within six weeks after the Arrest or Appearance of the defendants.

4. An Action or Suit once remanded, shall never afterwards be again removed.

5. When

5. When the thing in demand exceedeth not 5 l. the ſuit ſhall not be removed by any writ, ſave only by Writs of Error or Attaint.

6. This Act ſhall only extend to Courts of Record, where an Utter Barreſter of three years ſtanding is Judge, Recorder, Steward, or *&c.* or aſſiſtant to ſuch Officer there, and not of Counſel in any action there depending.

7. Neither ſhall this Act extend to any Action which cannot be tried in ſuch inferiour Courts.

Hue and Cry.

1. THe Hundred where freſh ſuit ſhall ceaſe, ſhall anſwer half the damages to the Hundred wherein the felony ſhall be committed, to be recovered in any Court at *Weſtminſter* in the name of the Clerk of the Peace of the County wherein the felony was committed; and here the death or change of the Clerk of the Peace ſhall not abate the ſuit. 27 *El. c.* 13.

2. When in this caſe damages are recovered againſt one or ſome few inhabitants of the Hundred, and the reſt refuſe to contribute thereunto, two Juſtices of

Peace (1 *Qu.*) dwelling within, or near the ſame Hundred, ſhall for the levying thereof, ſet a Tax upon every Pariſh within that Hundred; according to which, the Conſtables and Headboroughs of every Town ſhall tax the particular Inhabitans, and levy the money upon them by diſtreſs and ſale of goods, and deliver the money levied to the ſaid Juſtices, or ſome of them.

3. No Hundred ſhall be chargeable when any of the Maleſactors ſhall be apprehended, or when the Action is not proſecuted within one year after the robbery committed.

4. No Hue and Cry ſhall be deemed legal, unleſs the purſuit be both by Horſe and Foot.

5. No perſon robbed ſhall maintain an Action in this caſe, unleſs with all convenient ſpeed he makes his robbery known to ſome near Town, Village, or Hamlet, and within 20 dayes before the Action brought, make oath before a Juſtice of Peace dwelling within or near the Hundred where the Robbery was committed, whether he know the parties that robbed him, or any of them; and if he know, ſhall enter into ſufficient Bond before

fore the ſame Juſtice, to proſecute the perſon or perſons ſo by him known, by Indictment, or otherwiſe, according to Law.

Inrollment.

1. BArgains and Sales to an uſe of Inheritance of Freehold muſt be by deed indented and inrolled within ſix months after the date thereof, in ſome Court of Record at *Weſtminſter*, or in the County where the Land lieth, before the *Cuſtos Rotulorum*, two Juſtices of Peace, and the Clerk of the Peace, or two of them, whereof the Clerk to be one: And here the fee to be paid for ſuch inrolment, when the Land is not worth 40*s.* *per an'* is 2*s.* and when it is more 10*s.* to be equally divided betwixt the Juſtice or Juſtices then preſent, and the Clerk of the Peace, who ought to inroll them in Parchment, and to deliver them unto the *Cuſtos Rotulorum* within one year after. 27 *H.* 8. *c.* 16.

2. This Act ſhall not extend to Lands, Tenements, or Hereditaments in Corporations, where an Officer or Officers there have lawfully uſed to inroll Deeds or other Writings.

Justices.

20 R.2.c.3. Justice of Assise.

NO Lord nor other shall sit upon the Bench with the Justices of Assize, in pain of great forfeiture to the King, and the Justices there commanded not to suffer it.

Judgment.

4 H.4.c.23.

IUdgments given shall continue, and the parties for whom they are so given, and their heires shall be in Peace until they shall be attaint, or Error if any be.

Ley gager.

5 H.4 c.8.

IN actions of Debt upon the arrearages of an account, feigning (to the intent to put the defendants from their law) that the same was found before their Apprentices or Servants, as Auditors assigned therein, it shall be in the Judges discretion upon examination of the Attorneys (or whom else they please) to receive the defendants to their law, or to trie the same by enquest.

Libell.

2 H 5. c.3.

A Copy of a Libell grantable in the Ecclesiastical Court shall be presently

ſently delivered upon the defendants appearance.

Limitation.

1. SEiſin in a writ of right ſhall be within 60 years before the Teſte of the ſame writ. 32 H.8.c.2.

2. In a Mortdanceſter, Coſinage, Ayel, writ of entry ſur diſſeiſin, or any other poſſeſſory action upon the poſſeſſion of his Aunceſtor or predeceſſor, it ſhall be within 50 years before the Teſte of the Original of any ſuch writ.

3. In a writ upon the parties own ſeiſin or poſſeſſion, it ſhall be within 30 years before the Teſte of the Original of the ſame writ.

4. In an Avowry or Coſinage, for rent ſuit, or ſervices of the ſeiſin of his Aunceſtor, Predeceſſor, or his own, or any other, whoſe eſtate he pretends to have; it ſhall be within 40 years before the making of ſuch Avowry or Cogniſance.

5. Formedons in reverter or remainder, and *Scire facias* upon fines ſhall be ſued within 50 years after the title or cauſe of action accrued and not after.

6. The party demandant, Plaint', or

Avowant that (upon Traverſe or denier by the other party) cannot prove actual poſſeſſion, or ſeiſin within the times above limited, ſhall be for ever after barred in all ſuch writs, actions, avowries, cognizance, preſcription, &c.

7. Provided, that in any of the ſaid actions, avowries, preſcriptions &c. the parties grieved may have an Attaint upon a falſe verdict given.

1 P & M. ſeſſ. 2. c. 5.

8. The Statute of 32 H. 8. c. 2. ſhall not extend to a writ of right, of Advowſon, *Quare Impedit*, Aſſize of Darrein preſentment, *Jure patronatus*, writ of right of ward, writ of raviſhment of ward, nor to the ſeiſor of the wards body or eſtate; But the time of the ſeiſin to be alledged in ſuch caſes, ſhall be as it was at the common law before the making of the ſaid Statute.

21 Jac. c. 16.

9. All writs of *Formedon* in *Deſcender*, *Remainder*, or *Reverter*, for any title or cauſe now in *eſſe*, ſhall be ſued within 20 years next after this preſent Seſſion of Parliament, and for any title or cauſe hereafter accruing, within 20 years after ſuch title or cauſe ſo accruing: otherwiſe ſuch title ſhall be for ever barred, and the party claiming utterly excluded from entry.

10. None now having any right or title of entry

entry into any Mannors, Lands, Tenements or Hereditaments, now held from him or them, ſhall thereinto enter, but within 20 years next after the end of this Seſſion of Parliament, or within 20 years next after any other title accrued; And none ſhall at any time hereafter make any entrie into Lands, Tenements, or Hereditaments, but within 20 years next after his or their right or title, which ſhall hereafter firſt deſcend or accrue to the ſame.

11. The titles of any Infant, Femme covert, *non compos mentis*, one impriſon'd, or beyond ſea, are ſaved ſo as they commence their ſuit within 10 years after ſuch imperfections removed.

12. All actions upon the *caſe*, (other then for Slander,) actions for *accompt* (other then ſuch as concern Merchandiſe) Actions of Treſpaſſe, debt, detinue, Trover, and Replevin, ſhall be commenced within 3 years after this preſent Seſſion of Parliament, or within 6 years after the cauſe of ſuit, and not after.

13. All actions of Treſpaſs, of aſſault, Battery, wounding, and impriſonment, ſhall be commenced within one year after this Seſſions, or within 4 years after the cauſe of ſuit, and not after.

14. All

14. All actions upon the case for words shall be commenced within one year after this present Session, or within 2 years after the words spoken, and not after.

15. Provided, that if in any such actions Judgment be given for the plaint', and the same be reversed by Error, or a Verdict pass for him, and upon motion in arrest of Judgment it is given against him, or if the defend' be outlawed in the suit, and after reverse the Outlawry, in these cases the plaint', his Heires, Executors or Administrators, may commence a new action within a year after such Judgment reversed, or given against the plaint', or outlawry so reversed, and not after.

16. The right of action in the cases aboveſaid is saved to an Infant, Femme covert, *non compos mentis*, a person imprison'd or beyond sea, as they commence their suit within the times above limited respectively, after their imperfections removed.

Maintenance.

32 H. 8. c. 9. 1. NOne shall buy any pretended right or title to any land, unless the Seller hath taken the profits thereof one

one whole year before ſuch bargain, in pain that both the buyer and ſeller ſhall each of them forfeit the value of the ſame Land, to be divided betwixt the King and the Proſecutor.

2. None ſhall unlawfully maintain any ſuit or action, retain any perſon for maintenance, imbrace Jurors, or ſuborn witneſſes, to the hindrance of Juſtice, or the procurement of perjury, in pain to forfeit for every ſuch offence 10 l. to be divided betwixt the King and the proſecutor.

3. Howbeit purchaſing of a pretended title by him that is already lawfully poſſeſſed of the thing whereunto title is made, is lawful.

4. Proclamations ſhall be made at the Aſſiſes, of the Statutes made againſt Maintenance, Champertie, Embracery and unlawful Retainers.

5. The Offenders againſt this Act ſhall be proſecuted within one year.

Market. Fair.

1. EVery Seller or Exchanger of a Horſe in a Fair or Market, which being unknown to the Toll taker, or Book-keeper doth not procure one credible 31 El. c. 12.

dible perſon that is well known unto him, to vouch the ſale of the ſame horſe; Alſo every falſe voucher, and the Toll-taker, or Book-keeper, that ſuffers ſuch ſale or exchange to paſs, ſhall forfeit 5 l. to be divided betwixt the Queen and the proſecutor: And beſides, the ſale of ſuch horſe ſhall be void.

2. The names of the Buyer, Seller and voucher, and the price of the horſe, ſhall be enter'd in the Toll-book, and a note thereof deliver'd to the Buyer under the Toll-takers or Book-keepers hand, for which the Buyer ſhall pay 2 d.

3. Notwithſtanding ſuch ſale and voucher as aforeſaid, the right owner or his Executors may redeem a ſtolne horſe, if they claim him within 6 moneths after the ſtealing, at the pariſh, or Corporation, where he ſhall find him, and make proof by 2 ſufficient witneſſes before the next Juſtice of peace in the Country, or before the head officer of a Corporation, that the horſe was his, and repay to the Buyer ſuch price for the horſe as the ſame buyer ſhall upon his own oath before ſuch Juſtice or officer, teſtifie to have paid for him.

Nonſuit.

1. WHere before Juſtices of Aſſiſe the parties are adjourned for ſome difficultie in Law upon the matter found, in this caſe the plaint' ſhall not be nonſuited, albeit the verdict paſs againſt him. 2 H 4. c. 7.

2. Unleſs the plaint' named in any writ, Bill, or proceſs in B. R. or C. B. ſhall put into the Court a declaration againſt the perſons arreſted, in ſome perſonal action, or *Ejectione firmæ* of Lands, or tenements, before the end of the term next following after Appearence, then a Nonſuit for want of a Declaration may be entred againſt the plaint' in the ſaid Courts reſpectively. 13 Car. 2. Seſſ. 2. c. 2.

Obligation.

SHeriffes and other officers ſhall take no bond of any arreſted perſon but for appearance, and to themſelves onely, and ſhall not take for it more then 4 d. and bonds otherwiſe taken (*colore officii*) ſhall be void. 23 H. 6. c. 10.

Office.

1. NOne ſhall bargain or ſell any Office or Deputation, or any part thereof 5 E. 6 c. 16. Grant.

thereof, or receive or take any money, fee, reward, or other profit, directly or indirectly, or any promise, agreement, bond or assurance, to receive any such profit for the same; which office shall concern the administration or execution of Justice; or the receipt, controlment or payment of any of the Kings money or revenue, or any Accompt, Aulnage, Auditorship, or surveying of any of the Kings Lands, or any of his customes, or any administration or attendance in any Custome-house, or the keeping of any of the Kings Towns, Castles or Fortresses, (being places of strength or defence) or any Clerkship in any Court of Record, in pain that the Bargainee thereof shall lose his place, and the Bargainor be adjudged disable to execute the same; and every such bargain and agreement shall be void.

2. Provided, that this Act shall not extend to any office or Inheritance, or for the Keeping of a Park, House, Mannor, Garden, Chace, or Forest, nor to the two Chief Justices, or Justices of Assize, but that they may grant offices as they did before the making of this Act: Also all acts done by an Officer (removeable by force of this statute) shall be good in law until he be removed. 3. An

3. An action brought against a Justice of Peace, Maior or Bailiffe of a Corporation, Headborough, Portreeve, Constable, Tithingman, or Collector of Subsidies or fifteens, for any thing done by reason of their several offices, both they and all their assistants may plead the general issue, and yet give the special matter in evidence. 7 *Jac. c. 5.* Pleading.

4. Here if the verdict pass for the defendant, or the plaint' be nonsuit or discontinue his suit, the defendant shall be allowed double costs, to be recover'd as costs in other cases given to the defend' use to be recover'd. Costs.

5. The Statute of 7 *Jac.* 5. is confirmed, and Church-wardens, Sworn-men and overseers of the poor, together with their assistants are to be comprehended within the purview of the same Statute. 21 *Jac. 6.* 12.

6. An action brought against any the said officers, their deputies or assistants, shall be layed in the County where the fact was committed, and not elsewhere.

7. The unnecessary charges and tedious attendance in passing the accounts of Sheriffs being very burthensome, it is enacted, that Sheriffs shall not keep tables of receipt for any more then their own family, or retinue, nor shall send any presents to any 14 *Car. 2. c. 21.* Sheriffs.

any Judge of Aſſiſe nor give any gratuity to any officer, nor have more then 40 men-ſervants, nor under 20 in any County in *England*, nor under 12 in *Wales*, upon forfeiture of 100 l. for every ſuch default. *Proviſo* this clauſe not to extend to the Sheriffs of *London* or *Middleſex*, nor *Weſtmerland*, or any Sheriff of a City and County, or Town and County.

8. Sheriffes in *England* ſhall not be charged to anſwer any illeviable Seiſure, Farme, Rent, Debt, or other thing whatſoever, which was not writ or proceſs to them to be levied, and the perſons, Lands and tenements, of which the ſame is leviable particularly expreſſed, but ſhall be diſcharged without petition, plea, or other trouble or charge whatſoever.

9. All ſeiſures made before the 1 *Jac. R.* 1. and yet remaining upon the Sheriffs accompts, and all ſeiſures and debts pardoned, are diſcharged and to be left out of their accounts, and no proceſs to iſſue for levying the ſame, nor any other Rent or farme not particularly ſet forth, or which hath been unanſwered for 40 years paſt, and all other dead farmes and ſeiſures and all deſperate illeviable and unintelligible debts, ſhall be removed out of the Annual Roll

Roll and Sheriffs charge in the exannual Roll, there to remain until revived by Commiſſion.

10. The ſeveral Remembrancers ſhall enroll and certifie the Engroſſer of the great Roll, all debts, chargeable upon Sheriffs by their returns, into the Exchequer upon writs of *fi. fac. levari fac. capias*, and other proceſs, and all fines and amerciaments already ſet before the firſt day of February 1662. and all debts, fines and Amerciaments hereafter ſet before the next term after returns of ſuch fines and amerciaments ſet, that ſo they may be charged and comprehended within *Quietus eſt*, upon pain of 40 l. upon the officer for every default, the one moytie to the King, the other to the party grieved.

11. And none ſhall be Sheriff unleſs he have lands in the ſame County ſufficient to anſwer the King and his people.

12. Every Sheriff having obtained a *quietus eſt* (as by the act 21 *Jac. c.* 5. he might) the Sheriff, his heires, Executors Lands and tenements, ſhall be clearly diſcharged of all accompts and debts whatſoever, unleſs he be proſecuted and Judgment given within 4 years after the ſame; and every Officer by whoſe default proceſs

shall be sent contrary to this act, shall incurr the same penalty aforesaid.

13. This act not to extend to the Counties of *Chester*, *Lancaster*, and *Durham*, or the Counties of *Wales*, being Counties *palatine*, as to the manner of their accompting, who are to accompt before the respective Auditors as aforesaid.

14. Not to extend to enjoyne the Remembrancer to transcribe to the engrosser of the great roll any inquisitions or seisures, but such as have been formerly charged in the foreigne accompts of Sheriffs, but Inquisitions upon Attainder and other forfeitures to be put in charge as formerly.

15. Not to exclude his Majesties Remembrancer from writing forth process for his majesties Debts, duties, outlawries, or other charge or process of *Leva : fa.* at any persons suit to levy issues of Lands seised, or *venditioni exponas* for goods, for any debt to the King, or upon outlawry, or to alter any pleading touching the same.

16. That no debt, duty, fine, or Amerciament or seisure charged in the great Roll of the pipe by any record of the Kings Remembrancer, nor any proceedings thereupon be stayed, compounded, or discharg-

charged, by order of any Judgment entred in the ſaid office of the Kings Remembrancer, where the Original of ſuch debt or charge remaines.

17. If any debts, ſeiſures, fines, or other be not levied and payd upon proceſs of Summons of the pipe, the Clerke of the pipe ſhall the next term after return of ſuch proceſs certifie the office of the Kings Remembrancer, who ſhall iſſue proceſs for levying the ſame.

18. Auntient and lawful fees belonging to the Kings Remembrancer not abridged by this act.

19 The act to continue to the end of the firſt Seſſions of the next Parliament and no longer.

Partition.

1. IOyntenants and tenants in common of any inheritance in their own right, or in right of their wifes, in any mannors, Lands, tenements or hereditaments, may be compelled to make partition by writ *de partitione faciendâ* as coparceners are compellable to do, and this writ ſhall be purſued at the common law. 31 H. 8. c. 1.

2. That after ſuch partition made they

ſhall have Aid of one another and of their heires to dereigne warranty and to recover *pro rata* as coparceners uſe to doe.

32 *H.* 8. *c.* 32. 3. Ioyntenants, and Tenants in common, that have inheritance or freehold in any mannors, Lands, tenements or hereditaments, ſhall be alſo compellable to make partition by the ſaid writ to be purſued upon their caſe: howbeit ſuch partition ſhall not be prejudicial to any but the parties to ſuch partition, their heires and Aſſignes.

Pleading.

36 *E.* 3. *c.* 15. 1. ALL pleas which ſhall be pleaded in any Court whatſoever, within the Realm, ſhall be pleaded, ſhewed, depended, anſwered, debated, and judged in the Engliſh tongue, and entred and enrolled in the Latin. Howbeit the Laws and Cuſtomes of the Realm, as alſo the Terms and proceſs ſhall be holden and kept, as before this time hath been uſed.

13 *El. c.* 6. 2. And Exemplification of the inrollment of the Letters patents by *H.* 8. *E.* 6. *Q. M. P.* and *M. Q. El.* or any of them, ſince the 4th of Februrary in the 27 *H.* 8. or hereafter to be granted by the Queen

Queen, her Heires, or Succeſſors, ſhall be of as good force to be pleaded, or ſhewed in behalfe of the Patentees, their heires, Executors and aſſignes, and every of them, and every other perſon, or perſons, having any Eſtate from, by or under them, or any of them, as well againſt the Queen, her heires and Succeſſors, and all other perſons whatſoever, as if the Letters patents themſelves were produced.

Policies of assurance.

1. THe Lord Chancellor, or Lord Keeper ſhall award a ſtanding commiſſion (to be yearly renued, or as often as to him ſhall ſeem meet) for the hearing and determining of all ſuch cauſes ariſing, and policices of Aſſurance, as ſhall be entred in the office of Aſſurance in *London*. 43 *El c.12.*

2. This Commiſſion ſhall be directed to the Judge of the Admiraltie, the Recorder of *London*, 2 Doctors of the Civil, 2 Common Lawyers, and 8 grave or diſcreet Merchants, or to 5 of them; which Commiſſioners or the greater part of them ſhall have power to hear and determine all ſuch cauſes in a brief and Summary courſe as to their diſcretion ſhall ſeem meet, with-

out formality of pleadings or proceedings.

3. The Commissioners have also power to Summon parties, Examine witness upon Oath, and commit to prison such as contemn or disobey their orders, or decrees. They shall meet and sit once a week at the least in the office of assurance, or in some other convenient publick place, for the execution of the said commission, and no fees shall be there exacted by any person whatsoever.

4. If any be grieved by their Sentence or decree, he may exhibit his bill in Chancery for the reexamination thereof; so as he first satisfie the sentence so awarded, or deposite with the Commissioners the sum awarded, and then albeit he be imprisoned he shall be enlarged: and here the Lord Chancellor, or Keeper hath power to reverse or affirme every such sentence or decree, and in case it be affirmed to award the party assured double costs.

5. No Commissioner shall meddle in the execution of the Commission wherein he is party, assurer, or assured, not until he hath taken his Corporal Oath before the Major, and Court of Aldermen to proceed uprightly and indifferently between party and party:

party: only the Judge of the Admiralty is excused from that Oath.

6. Upon some defects in the statute of 43 *El. c.* 12. It is enacted that the Lord Chancellor, or keeper of the great Seal, shall yearly issue out one standing Commission, authorising Commissioners or any 3 of them, whereof a doctor of the Civil Law or a Barrister of the Common Law be alwayes one (of 5 years Standing) to make a Court of policies of assurance and an Act, as any five before might have done. 14 *Car.* 2. *c.* 23.

7. The said Commissioners or any 3 of them impowered to Summon parties and witnesses, and upon contempts and delays in the witnesses upon first Summons and reasonable Charges: and in the parties upon second Summons to imprison offenders, or to give every Commissioner having taken the Oath before the Lord Major of *London*, to proceed uprightly in the Execution of the said Commission.

8. Commissions may issue out of the Court of Admiralty for examining witnesses beyond sea, or in remote place by direction of the said Commissioners, or any three of them, and decrees may be made against the body and goods, and against

the Executors, &c. and Execution accordingly, and assess costs of suit as to them shall seem meet.

9. Any of the said Commissioners may administer an Oath to any witness legally summoned, so as the adverse party have timely notice, to the end Witnesses may be truly examined.

10. Provided, That in no case Execution be against Body and Goods for the same debt.

11. Provided, That an Appeal may be to the Chancery as in the said former Act.

Powers.

32 H. 8. c. 28. *A fair Lessees.*

1. LEases made by tenant in tail, or by him who is seised in the right of his wife, or Church, they being of full age at the time of such Lease made, shall be good and effectual in the Law against the Lessors, their Wives, Heirs and Successors.

2. The Statute shall not extend to any Lease made of Lands in the hands of any Farmer by force of any old Lease, unless such old lease expire within a year after the making of the new, nor to any grant to be made

made of any Reverſion of any Manors, Lands, &c. nor to any Leaſe of any Manors, Lands, &c. which have not been let to farm, or occupied by Farmers 20 years before; ſuch Leaſe made, nor to any Leaſe to be made without impeachment of waſte, nor to any Leaſe to be made for above 21 years or 3 lives from the day of the making thereof; and that upon every ſuch Leaſe there be reſerved ſo much yearly as hath been uſually paid for the Lands ſo let within 20 years next before ſuch Leaſe made, and the Reverſioners of the Manors, Lands, &c. ſo let, after the death of ſuch Leſſor, or his Heirs, may have ſuch remedy againſt ſuch Leſſee, his Executors and Aſſignes, as ſuch Leſſor might have had againſt ſuch Leſſee.

3. That all Leaſes made by the Huſband, of Manors, Lands, &c. (being the inheritance of the Wife) and ſhe to ſeal to the ſame, and the rent ſhall be reſerved to the Huband and Wife, the heirs of the Wife, and here the Husband ſhall not Alien or diſcharge the rent, or any part thereof longer than during the Coverture, unleſs it be by Fine levied by Husband and Wife.

4. This Act ſhall not extend to give

liberty

liberty to take more Farms or Leaſes than might have been taken before this Act, nor to any Parſon or Vicar to make any Leaſe otherwiſe than they might have done before.

5. All Leaſes for years made within three years before the 12 of *April* in the 31 of H. 8. by writing indented under ſeal, by any perſon of full age, *ſane memory*, and not lawfully contracted, or Covert-Baron, of any Manors, Lands, *&c.* wherein he or they have an eſtate of inheritance to his or their own uſe, at the time of the making thereof, and whereof the Leſſee or Leſſees, or their Aſſignes, now have the poſſeſſion by force of ſuch Leaſe or Leaſes, and no cauſe of re-entry or forfeiture thereof had or made, ſhall be good in Law againſt ſuch Leſſors, their Heirs and Succeſſors; ſo as ſo much yearly rent be reſerved for the ſame as was paid for the ſame within 20 years next before the making of ſuch Leaſe or Leaſes, or elſe ſuch Leaſe or Leaſes to be of no other force than they were before the making of this Act.

6. No Fine, Feoffement, or other Act done by the Husband only of the inheritance of free-hold of the Wife, ſhall make

make any diſcontinuance, or prejudice the Wife or any other who is to enjoy it after her deceaſe, the fines levied by the Husband and Wife only excepted.

7. This Act ſhall not give liberty to the Wife, or her Heirs, to avoid any Leaſe hereafter to be made of the Wifes inheritance by the Husband, Wife, for 21 years or under, or three lives; whereupon the accuſtomed yearly rent for 20 years before is reſerved according to the tenor of this act.

8. This Act ſhall not extend to the making good any Leaſe made by any Eccleſiaſtical perſon, which are made void by Authority of Parliament, or by any ſuch perſon or other now attainted of Treaſon.

9. All Eſtates made by any Arch-Biſhop, or other Biſhop, of any Manors, Lands, &c. parcel of the poſſeſſions of their Biſhoprick, or united or appertaining thereunto, to any perſon or perſons, body Politique or Corporate, other than to the Queen, her Heirs and Succeſſors, and other than for the term of 21 years and 3 lives, from the time of ſuch Eſtate made, and whereupon the accuſtomed yearly rent or more ſhall be reſerved and payable 1 Eliz. c. 9.

payable yearly during ſuch term for 21 years or 3 lives, ſhall be void to all intents and purpoſes.

13 Eliz. 10. 10. All Leaſes, Conveyances, or Eſtates made by any Maſter or Fellows of any Colledge, Dean and Chapter of any Cathedral or Collegiate Church, Maſter or Gardian of any Hoſpital, Parſon, Vicar, or any other having any ſpiritual or Eccleſiaſtical Living, or any Houſes, Lands, Titles, or other Hereditaments, being parcel of their Colledge, Cathedral Church, Chapter, Hoſpital, Parſonage, Vicarage, or other ſpiritual promotion, or belonging thereunto, other than for 21 years, or 3 lives, from the making thereof, and whereupon the accuſtomed yearly rent ſhall be reſerved and payable yearly during the term, ſhall be utterly void to all intents and purpoſes.

11. This Act ſhall not make good any Leaſe or other Grant againſt the private Statutes of any Colledge or Collegiate Church.

12. This Act ſhall not be extended to any Leaſe hereafter to be made upon ſurrender of a former Leaſe, or by reaſon of any Covenant or condition contained in any former Leaſe, and ſo continuing, ſo

as

as the Leaſe to be made contain not more years than the reſidue of the years of ſuch former Leaſe, nor any leſs rent than is thereby reſerved.

13. All Leaſes made by ſuch perſons as are mentioned in 13 *El.* 10. where another Leaſe is in being not to be expired, ſurrendred or ended within three years next after the making ſuch new Leaſe, ſhall be void, and all Bonds and Covenants for the removing any ſuch Leaſe contrary to this Act or the ſaid Statute of 13 *El.* 10. ſhall alſo be void; howbeit this Act ſhall not extend to any Leaſe or Leaſes heretofore made to any ſuch perſon or perſons. 18 *El.* 11.

14. Upon complaint to the Ordinary, and ſentence given upon any offence committed by the Incumbent againſt the Statute 13 *El.* 20. whereby he ought to loſe the profits of his Benefice; the Ordinary within two months after ſuch ſentence given, and requeſt made by the Churchwardens, or one of them, ſhall grant the ſequeſtration thereof to ſuch inhabitant or inhabitants there, as to him ſhall ſeem convenient, and upon default in the Ordinary, it ſhall be lawful for every pariſhioner there to retain his Tythes, and for the Church-

Church-wardens to take the profits of the Glebe, and other rents and duties of ſuch Benefice to be employed to the uſe of the poor, until the ſequeſtration ſhall be commited by the Ordinary, and then the Church-wardens or Pariſhioners are to accompt to him or them to whom ſuch ſequeſtration ſhall be committed, and he or they ſhall imploy the ſaid profits to ſuch uſes as by the ſaid Statute of 13 *El.* *c.* 20. are appointed, in pain to forfeit the double value of the profits withholden, to be recover'd in the Eccleſiaſti-
1 *Jac.* *c.* 3. cal Court by the Poor of the Pariſh.

15. All aſſurances of Biſhops Lands to the King ſhall be void.

Proceſs.

19 H. 7. *c.* 9. 1. LIke Proceſs ſhall be hereafter had in actions upon the Caſe ſued in the Kings Bench, or Common pleas, as in actions of Treſpaſſe or Debt.

13 *Car.* 2. *ſeſſ.* 2. *c.* 2. 2. Original writs may be ſued upon perſonal actions in the Fleet, and an *Habeas corpus* granted to bring them to the barre to anſwer any ſuit and Declaration; being put in, and the defend' not pleading Judgment may be entred by *Nihil dicit*, and the priſoner charged in Execution upon

upon notice thereof to the Warden of the Fleet by Rule of Court.

Prohibition.

1. NOne ſhall be cited to appear out of the Dioceſſe or peculiar jurisdiction where he or ſhe liveth, except by ſome Eccleſiaſtical, or other perſon within the Dioceſſe, or other jurisdiction wherein he is ſo cited, for ſome offence or cauſe commited, or omitted, contrary to right or duty, or upon an appeal or other lawful cauſe, or when the Judg dares not, nor will not cauſe him to be cited, nor is any way party to the ſuit, or at the Inſtance of the Inferiour Judge to the Superiour, where the law Civil, or Canon doth allow it, and all this in pain to forfeit double damages to the party grieved, and 10l. to the King, to be divided betwixt him and the proſecutor. 23 H. 8. c. 9. Citation.

2. The Arch-Biſhop may cite for hereſie in any Dioceſſe within his province, upon conſent or neglect of the Biſhop or Judge there.

3. This Act ſhall not reſtrain the Jurisdiction of the Prerogative Court for probate of Teſtaments.

4. The

4. The Ecclesiastical Judge shall take but 3 d. for a citation upon the pains aforesaid.

Recognisance.

23 H. 8. c. 6. 1. THe Chief Justices of the Kings-Bench and common Pleas, or either of them, or (in their absence out of the Terme) the Major of the Staple at *Westminster*, and the Recorder of *London*, jointly together, shall have power to take recognisances for the payment of debts in this forme following.

Noverint universi per præsentes nos A. B. and D. C. *teneri & firmiter obligari Joanni Stile in cent' libr' Sterling solvendis eidem Ioanni, aut suo cert' Attornat' hoc script' ostend' hæred' vel Execut' suis in tal' fest' &c. proxim' futur' post dat' præsent', & si defecero, vel defecerimus in solutione debit' prædict' Volo & conced'. Vel sic. Volumus & concedimus quod tunc currat super me, hæred', & Execut' meos. Vel, super nos & quemlibet nostrum, hæred' & Execut' nostros pœna in Statuto stapul' de debit' pro Marchandisis in ead' emptis recuperand', ordinat' & provis'. Dat' tali die, Anno Regni Regis &c.*

2. Such

2. Such obligation ſhall be ſealed with the ſeal of the Recogniſor or Recogniſors; as alſo with ſuch a ſeal as the King ſhall appoint for that purpoſe, and with the ſeal of one of the Chief Juſtices, or the ſeals of the ſaid Major of the ſtaple and Recorder, and every of the ſaid Juſtices; and the ſaid Major and Recorder ſhall have the Cuſtody of one ſuch ſeal to be appointed by the King as aforeſaid.

3. The Clerke of the Recogniſances (to be alſo appointed by the King) or his ſufficient deputie or deputies ſhall write and inroll ſuch obligations in two ſeveral Rolls indented, whereof one ſhall remain with ſuch of the ſaid Juſtices, or with the ſaid Major and Recorder, that take ſuch Recogniſance, and the other with the writer thereof: alſo ſuch Clerke, or his deputie or deputies, ſhall be dwelling or abiding in *London*, and ſhall not be abſent from thence by the ſpace of two days in pain to forfeit 10 l.

4. The Clerk or his deputie (at the requeſt of the Creditors, their Executors or Adminiſtrators) ſhall certifie ſuch obligations in the Chancery under his or their ſeal.

5. The Recogniſees of ſuch obligations,

their Executors and Adminiſtrators, ſhall have in every point, degree and condition, againſt the Recogniſors, their heires, executors and Adminiſtrators, ſuch proceſſe, Execution, commodity, and Advantage, as hath been had upon an obligation of the ſtatute of the Staple, and ſhall alſo pay like fees for the ſame.

6. Here the Recogniſor ſo bounden or otherwiſe grieved by ſuch an obligation, ſhall have like remedy by *Audita Querela*, and all other remedies in law; as upon obligations of the Statute of the ſtaple.

7. Upon the ſealing of the proceſſe for the execution of every ſuch obligation, the King ſhall have a halfe-penny in the pound.

8. The Tenant by ſuch a Recogniſance, his Executors or Adminiſtrators, being outed ſhall have like remedy, upon an obligation of a ſtatute of the ſtaple.

9. The Juſtices, or the Major and Recorder's fee for taking ſuch a recogniſance, is 3 s. 4 d. the clarks fees is as much, and his fees for certifying ſuch obligation is 20 d. and none of them ſhall take more in pain of 40 l.

10. From henceforth the Major or Conſta-

Conſtable of the ſtaple ſhall take no Recogniſance of the ſtatute of the ſtaple, in pain of 40 l. except between Merchants, being free of the ſame ſtaples, for Merchandiſe of the ſaid ſtaple between them lawfully bought and ſold.

11. The forfeitures aboveſaid are to be divided betwixt the King and the Proſecutor, and proved by Information, Action of Debt, Bill or Plaint, in which no Eſſoin, *&c.* ſhall be allowed.

Recoveries.

1. A Termer for years may ſatisfie a feigned Recovery had againſt them in the Reverſion, and ſhall retain and enjoy his Term againſt the Recoverer, his Heirs and Aſſignes, according to his Leaſe. 21 H 8. 15.

2. Alſo the Recoverer ſhall have like remedy againſt the Termer, his Executors or Aſſignes, by avowry or action of debt, for rents and ſervices reſerved upon ſuch Leaſe, and due after ſuch Recovery, and alſo like action for waſte done after ſuch recovery, as the Leſſor might have had if ſuch recovery had never been.

3. No Statute of the Staple, Statute

Merchant, or Execution by *Elegit*, ſhall be avoided by ſuch feigned recovery, but ſuch tenant ſhall alſo have like remedy to falſifie ſuch Recoveries as is here provided for the Leſſee for years.

34 & 35 H.8. c. 20. 4. No feigned recovery hereafter to be had by aſſent of parties againſt any tenant or tenants in tail of any Lands, Tenements or Hereditaments, whereof the reverſion or remainder at that time of ſuch recovery had ſhall be in the King, ſhall bind or conclude the Heirs in tail, whether any condition or voucher be had in any ſuch feigned recovery or not: but that after the death of every ſuch Tenant in tail, againſt whom ſuch recovery ſhall be had, the heirs in tail may enter, hold and enjoy the Lands, Tenements and Hereditaments ſo recover'd according to the form of the gift of tail, the ſaid Recovery notwithſtanding.

5. And here the Heirs of every ſuch tenant in tail, againſt whom any ſuch recovery ſhall be had, ſhall take no advantage for any recompence in value againſt the voucher and his heirs.

6. This Act ſhall not extend to prejudice the Leſſee or Leſſees of ſuch tenant in tail made by writing indented of any

any Manors, Lands, &c. for 21 years, or 3 lives, or under, whereupon the accuſtomed rent or rents is or ſhall be yearly reſerved during the ſaid term or terms, but the ſame Leſſee or Leſſees ſhall enjoy his or their term or terms, according to the Statute of 32 H. 8. 28. this Act notwithſtanding.

7. All Recoveries had or proſecuted by agreement of the parties, or by Covin, againſt tenants by curteſie, tenants in tail, after poſſibility, &c. for term of life or lives, or of Eſtates determinable upon life or lives, or of any Lands, or Tenements, or Hereditaments, whereof ſuch particular tenant is ſo ſeiſed, or againſt any other with voucher over of any ſuch particular tenant, or of any having right or title to any ſuch particular Eſtate, ſhall from henceforth, as againſt the Reverſioners, or them in Remainder, and againſt their Heirs and Succeſſors, be clearly void.

8. This Act ſhall not prejudice any perſon that ſhall by good title recover any Lands, &c. without fraud, by reaſon of any former right or title: Alſo every ſuch recovery had by the aſſent and agreement of the perſon in reverſion or remainder, appearing of record in any of the

Queens Courts, shall be good against the party so assenting.

Rents.

23 H. 8. c. 37.

1. THe Executors or Administrators of tenant in fee-simple, in fee-tail, or for term of life, of rent-services, rent-charges, rent-secks, and fee-farms, upon whom any such rent or fee-farm was due and unpaid at the time of his death, shall have an action of debt for all the arrerages thereof against the tenant or tenants that ought to have paid them to their testator, or against the Executors or Administrators of such tenant or tenants; and shall also distrain for the said arrerages upon the Lands charged therewith, so long as they continue in the seisin or possession of such tenant in demesne, or of any other person proclaiming by or from him, in like manner as their Testator might have done: And the said Executors or Administrators shall likewise for the same Distress lawfully make avowry upon the matter aforesaid.

2. This Act shall not extend to any Manor, Lordship, or Dominion in *Wales*, or the Marches thereof, where the inhabitants

bitants have uſed time out of mind to pay to every Lord or Owner of ſuch Manors, *&c.* at their firſt entry into the ſame, any ſumme or ſummes of Money, for the diſcharge of all Duties, Forfeitures and Penalties wherewith the Inhabitants were chargeable to any of their ſaid Lords, Anceſtors or Predeceſſors, before their ſuch entry.

3. If any perſon hath in right of his wife any eſtate in fee-ſimple, fee-tail, or for term of life, in any ſuch Rents or fee-farms, and the ſame happen to be due and unpaid in his wives life, ſuch Husband, after the death of his wife, his Executors and Adminiſtrators ſhall have an action of debt for the ſaid arrerages againſt the tenant of the demeſne that ought to have paid the ſame, his Executors or Adminiſtrators, and ſhall likewiſe diſtrain for the ſame, and make avowry, as he might have done if his wife were living: The like power hath tenant *pur auter vie* for arrerages due and unpaid in the life time of *ceſtuy que vie.*

Repleader.

32 H. 8. c. 30.

1. IN all Actions after iſſue had, there ſhall be Judgement given, notwithſtanding any miſpleading, lack of colour in ſufficient pleading, or Jeofail, miſcontinuance, diſcontinuance, miſconveying of Proceſs, miſ-joyning of Iſſue, lack of Warrant of Attorney of the party againſt whom the iſſue ſhall be tried, or any other default or negligence of any of the parties, their Councellors or Attorneys.

2. Provided, that every Attorney ſhall deliver, or cauſe to be delivered his or their ſufficient and lawful warrant of Attorney, to be entred of Record for every Action or Suit wherein he is named Attorney, to the Officer or his Deputy ordained for the receit and entring thereof in the ſame term, when the iſſue of the ſaid Action is entred of Record, or before, in pain to forfeit 10 l. to the King, and to ſuffer impriſonment at the diſcretion of the Juſtices of the Court, where ſuch Action depends.

Replevin.

1. FOr more ſpeedy and effectual proceeding upon diſtreſs and avowries for Rents, Enacted, that when any Plaintiff in Replevin by Plaint or Writ returned, removed or depending in any of the Kings Courts at *Weſtminſter*, the Defendant making a ſuggeſtion in nature of an Avowry or Conuſance for ſuch rent, to aſcertain the Court of the cauſe of the Diſtreſs; the Court upon his Prayer ſhall award a Writ to the Sheriff of the County where the diſtreſs was taken, to enquire by the Oathes of 12 good and lawful men of his Bailywick touching the ſumme in arrear at the time of ſuch diſtreſs taken, and the value of the goods or chattels diſtrained; And thereupon 15 dayes ſhall be given to the Plaintiff, or his Attorney in Court, of the ſitting in ſuch inquiry; and thereupon the Sheriffs ſhall inquire of the truth of the matter contained in ſuch Writ by the Oath of 12 good and lawful men of his County; and upon return of ſuch Inquiſition, the Defendant ſhall have Judgement to recover againſt the Plaintiff the arrerages of 17 *Car.* 2. *c.* 7.

of ſuch rent, in caſe the Goods or Cattle diſtrained ſhall amount unto that value; and if they amount not to that value, then ſo much as the value of the ſaid Goods and Cattle ſo diſtrained ſhall amount unto, together with full coſts of ſuit, and ſhall have execution thereupon by *Fieri facias*, or *Elegit*, or otherwiſe as the Law ſhall require. And in caſe ſuch Plaintiff ſhall be *non-ſuit* after conuſance or avowry made, and iſſue joyned, or if the Verdict ſhall be given againſt ſuch Plaintiff, then the Jurors that are impannelled or returned to enquire of ſuch Iſſue, ſhall at the prayer of the Defendant enquire concerning the ſumme of ſuch Arrears, and the value of the Goods and Cattle diſtrained. And thereupon the Avowant, or he that makes conuſance ſhall have Judgement for ſuch Arrerages, or ſo much thereof as the Goods or Cattel diſtrained amounts unto, together with his full coſts, and ſhall have execution for the ſame by *Fieri facias* or *Elegit*, or otherwiſe, as the Law ſhall require.

2. And if any Judgement in any of the Courts aforeſaid be given upon demurrer, for the Avowant, or him that maketh conuſance for any rent, the Court ſhall at the

the prayer of the defendant award a writ to enquire of the value of ſuch diſtreſſe: And upon returne thereof Judgment ſhall be given for the avowant, or him &c. for the arreares alledged to be behind in ſuch avowry or Conuſance, if the goods, or Cattel ſo diſtreined amount to that value: And if they ſhall not amount to that value, then for ſo much as the ſaid goods or cattel ſo diſtreined ſhall amount unto, together with his full coſts of ſuit: and ſhall have like execution as aforeſaid.

3. Provided that in all caſes aforeſaid, when the value of the cattel diſtreined as aforeſaid ſhall not be found to be to the full value of the arreares diſtreined for, that the party to whom ſuch arreares were due, his Executors or Adminiſtrators, ſhall from time to time diſtrein again for the reſidue of the ſaid arreares.

Receipt.

13 R. 2 c. 17.

1. IF any tenant for life, in Dower, by the law of *England*, or in taile after possibility of issue extinct, be impleaded, and in the reversion come into the Court and pray to be received to defend his right, at the day that the tenant pleadeth to the action or before, he shall be then received to defend his right, and after such receipt the business shall be hasted as much as may be by the law without any delay whatsoever of either side: And therefore here days of grace shall be given by the discretion of the Judges between the demandant and the party so received, and not the common day in plea of land, unless the demandant will thereunto consent, lest the demandants may be too much delayed, because they must plead to two Adversaries.

2. Howbeit they in the reversion who so pray to be received, shall find sureties for the issues of the tenements demanded for the time that the demandants be delayed after the plea determined between the demandants and tenants, if the Judgement pass for the demandant against them in the

the reverſion, as well where the receipt is counterpleaded, as where it is granted.

Simonie.

1. IF any perſon or perſons having election or voice in the nomination or choice of any perſon to have place in any Church, Colledge, School, Hoſpital, Hall, or other ſociety, ſhall take any reward directly or indirectly, or any promiſe or aſſurance thereof directly or indirectly, for ſuch their Election or voyce, that then their Election ſhall be void: and that then ſuch perſon that hath power to diſpoſe thereof may diſpoſe of the ſame as if the perſon before elected were actually dead. 31 El. c. 6.

2. If any perſon of ſuch ſocieties take any reward or aſſurance thereof directly or indirectly for reſigning ſuch place, the party giving it ſhall forfeit the double value thereof, and the party taking it ſhall be uncapable of ſuch place, and alſo then the party to whom ſuch place appertaines may diſpoſe thereof as aforeſaid.

3. At every Election this ſtatute and the ſtatutes which concern election ſhall be read.

4. The forfeitures which ſhall be by this

this ſtatute, ſhall be divided between the Queen and the proſecutor.

5. If any perſon for any reward or aſſurance thereof directly or indirectly taken, doe preſent or collate any perſon to any benefice with cure of Souls, Dignity, Prebend or living Eccleſiaſtical, or give or beſtow the ſame for any corrupt conſideratio, nevery ſuch preſentation, collation, gift and beſtowing, and every admiſſion, Inſtitution or inveſtiture and induction thereupon, ſhall be voyd, and from thenceforth the Queen, her heires and Succeſſors may preſent or Collate thereunto, or give or beſtow the ſame for one turn only.

6. None ſhall give or take any ſuch reward, or take, or make any aſſurance, in pain to forfeit the double value of one years profit of ſuch ſpiritual promotion, and the perſon taking ſuch promotion ſhall be diſabled in Law to enjoy the ſame.

7. If any perſon for any ſuch reward or aſſurance thereof, except lawful fees, admit, inſtitute, inſtal, induct, inveſt, or place any perſon in any ſpiritual promotion, the party ſo offending ſhall forfeit the double value of one years profit of ſuch promotion, and ſuch Inſtitution *&c.* ſhall be void; and then the patron or other perſon

ſon to whom the next gift appertaines, may preſent or collate thereunto.

8. Howbeit no lapſe ſhall incurr upon any ſuch violence untill 6 monthes after notice given by the Ordinary to the Patron.

9. If any Incumbent of any benefice with cure of ſouls ſhall corruptly reſigne or exchange the ſame, or ſhall corruptly take for reſigning or exchanging the ſame, directly or indirectly, any benefit whatſoever, both the giver and the taker thereof ſhall loſe the double value of the benefit ſo had, to be divided between the Queen and the proſecutor.

10. Penalties inflicted by the Eccleſiaſtical Law are not taken away by this ſtatute.

11. If any perſon ſhall directly or indirectly, take any reward or other profit or aſſurance thereof, (lawful fees only excepted) to make a Miniſter, or to give licence to preach, he ſhall forfeit 20 l. and the party ſo made a miniſter 10 l. and if the party ſo made a miniſter be inſtituted, inducted, or inſtalled into any benefice within 7 years after, ſuch Induction &c. ſhall be void, and the party having the gift thereof may preſent or collate, as if he were dead.

12. The forfeitures of this act ſhall be divided

divided between the Queen and proſecutor.

Spiritual perſons. Reſidence.

21 H. 8. c. 13.

1. NO ſpiritual perſon ſhall take to farme (to himſelf, or any other for his uſe) any lands or other hereditaments for life, year or at will, in pain to forfeit 10 l. for every moneth he ſo continues the ſame, to be divided betwixt the King and the Proſecutor.

2. This Act ſhall not extend to any ſpiritual perſon for taking to farme any temporalties (during the time of vacation) of any Archbiſhopricks, Biſhopricks, Abbeys, Priories, or Collegiate, Cathedral or Conventual Churchs, nor to any ſuch perſon who ſhall render or make traverſe upon any office, concerning his Freehold.

3. No ſpiritual perſon ſhall (by himſelf or any other for his uſe) buy, to ſell again, any cattel, victual or Merchandiſe whatſoever, in pain to forfeit treble the value thereof, to be divided betwixt the King and the Proſecutor, and every ſuch bargain ſhall be void.

4. Howbeit a ſpiritual perſon may buy Horſes, Mares, Cattle or other goods for his neceſſary uſe and employment, and in caſe

case they happen not to fit for his turn, may sell them again, so as this be done without fraud or covin.

5. Also Abbots, Priors, Abbesses, Prioresses, Provosts, Prefidents and Masters of Colledges and Hospitals, and all other spiritual Governours and Governesses of any houses of Religion, Lands of the yearly value of 800 Marks, or under, may use and occupy so much thereof for the maintenance of their houses, as they or any of their Predecessors have done within 100 years last past, notwithstanding this Act.

6. Likewise Spiritual Persons not having sufficient Glebe or demesne Lands in right of their Churches or houses, may notwithstanding this Act, for the only expences of their Houses, and for their Carriages and Journeys, take in farm other Lands, and buy and sell Corn and Cattel for the only manurance and pasturage of such Farms, so as if it be done for such purposes only without fraud or covin.

7. If any person, having a Benefice with cure of Souls of the yearly value of 8 l. or above, accept another with cure of souls, and he be instituted and inducted in possession of the same, immediately upon such possession thereof the first benefice

ſhall be adjudged void, and then it ſhall be lawful for the Patron thereof to preſent another, as if the incumbent had died or reſigned; any Licenſe, Union, or other Diſpenſation to the contrary notwithſtanding.

8. Every Licenſe, Union or other Diſpenſation obtained contrary to this Act ſhall be void, and none ſhall obtain from *Rome* or elſewhere any Licenſe, Union, or Toleration to receive any Benefice with Cure, in pain of 20 l. to be divided between the King and Proſecutor.

9. Provided, that every ſpiritual perſon of the Kings Councel may purchaſe Licenſe or diſpenſation to keep three Benefices with cure; and the Chaplains of the King, Queen, Kings Children, Brethren, Siſters, Uncles or Aunts may ſo keep each of them two.

10. Alſo an Archbiſhop and Duke may have each of them ſix Chaplains; a Marqueſs and Earl five; a Vicount and other Biſhop four; the Chancellor, Baron, and every Knight of the Garter three; every Dutcheſs, Marchioneſs, Counteſs and Baroneſs, being Widows, two; the Comptroller and Treaſurer of the Kings houſhold, the Kings Secretary and Dean of

of his Chappel, the Kings Almoner and Maſter of the Rolls, each of them two; and the chief Juſtice of the Kings Bench, and Warden of the Cinque Ports, each of them one: And each of the ſaid Chaplains may purchaſe a Licence or Diſpenſation to keep two Benefices.

11. Likewiſe the Brothers and Sons of temporal Lords born in Wedlock, may purchaſe ſuch Licenſe or Diſpenſation to keep as many Benefices with cure as the Chaplains of a Duke or Arch-Biſhop; and the Brethren and Sons of a Knight born in Wedlock may keep two.

12. Provided, that the aforeſaid Chaplain ſhall exhibit (where need ſhall be) Letters under the Sign or Seal of the King, or other their Lord and Maſter, teſtifying whoſe Chaplain they be, or elſe not to enjoy ſuch Plurality of Benefices.

13. Alſo Doctors and Bachellors of Divinity, Doctors of Law, and Bachellors of Law Canon, admitted to their degrees by any of the Univerſities of this Realm and not by grace only, may purchaſe ſuch Licenſe to keep two Benefices with cure.

14. And becauſe Arch-Biſhops muſt uſe (at the conſecration of Biſhops) eight

Chaplains, and Bishops (at giving of Orders, and consecration of Churches) six, every of them may have two Chaplains above the number limited.

15. Every spiritual person that is advanced (by colour of this Act) to keep more Benefices with cure than is above limited, shall incurr the penalty above provided by this Act.

16. Every spiritual person promoted to any Arch-deaconary, Deanary, or dignity in a Monastery or Cathedral Church, or other Church Conventual or Collegiate, or being beneficed with any Parsonage or Vicarage, shall be personally resident and abiding upon his said Dignity, Prebend or Benefice, or at one of them at least, in pain to forfeit for not being resident by the space of a month together or of 2 months (to be accounted at several times in one year) 10 l. to be divided betwixt the King and the Prosecutor.

17. None shall obtain from *Rome* (or elsewhere) any Licence or dispensation for non-residence, in pain of 20 l. to be forfeited as aforesaid.

18. Howbeit this Act shall not extend to any Spiritual person in the Kings service beyond Sea, or upon any Pilgrimage beyond

beyond Sea, during the time that he shall be in the Kings Service, or upon the said Pilgrimage, nor to any Scholar abiding for study without fraud at any Universty within this Realm, nor to any of the King or Queens Chaplains in ordinary, neither yet to any of the abovesaid Chaplains which shall daily attend upon their Lord or Masters houshold, so long as they so attend without fraud, nor to the Master of the Rolls, or Dean of the Arches, the Chancellor, or Commissary of any Arch-Bishop or Bishops, the 12 Masters of Chancery, or 12 Advocates of the Arches (being clergy men) so long as they execute their offices or places, or to any spiritual person being compelled by the injunction of the Lord Chancellor, or the Kings Council, to daily appearance to answer the Law, so long as he shall be so enjoyned.

19. Also a Spiritual person (being the Kings Chaplain) may accept (of the Kings gift) any Benefices to what number soever without incurring the penalty of this act; and also the King may licence his Chaplains for non-residence upon their benefices, notwithstanding this act.

20. No Spiritual person shall take in

farme any Parsonage or Vicarage in pain to forfeit 40 s. for every week he or any other (for his use) so occupies the same, and also ten-times the value of the profit or rent that he makes thereof; both which forfeitures are to be divided between the King and prosecutor.

21. Provided, that no Deanary, Arch-Deanary, Chancellorship, Treasurership or Chantership or Prebend in any Cathedral, or Collegiate-Church, nor Parsonage that hath a Vicar endowed, nor any Benefice perpetually appropriate, shall be taken to be a Benefice with cure of Souls.

22. No Spiritual person or any other for his use shall keep any Tun-house or Brew-house in pain to forfeit for every moneth so keeping the same 10 l. to be divided as aforesaid: howbeit he may make a Brew-house for his own private use.

23. Every Duchess, Countess, Marchioness or Baroness, being widdowes, shall retaine their priviledges concerning Chaplains, notwithstanding intermarriages with other persons of lower degree.

24. All Spiritual persons having possessions

possessions in right of their houses (above the value of 800 markes) may keep so much thereof as may be necessary for the maintenance of their houshold, notwithstanding this act, or may take a dwelling house with Orchards and Gardens for their dwelling, so as by colour thereof they take not liberty to be non-resident.

25. Every Spiritual person above the age of 40 years, (the Chancellor, Vice-Chancellor, Comessary, Rulers of Colledges and Halls, Doctors of the Chair, and readers of Divinity in either of the Universities onely excepted) shall be resident upon one of their Benefices according to the statute of 21 H.8.13. upon pain therein provided for non-residence. 28 H.8. c 13.

26. Also every Beneficed person under the age of 40 years abiding in either of the Universities shall not enjoy the priviledge of non-residence provided by the said Statute of 21 H.8.13. unless he be present at ordinary Lectures both in the House and Schools, and in his proper person performe the Exercises according to the Statutes of the University where he so abides.

27. This Statute shall not extend to any Reader of any Publick Lecture in Divi-

nity, Law, Physick, Philosophy, or humanity, or any of the literal Sciences, nor to Interpreters or Teachers of the Hebrew, Chaldee, or Greek tongues in either of the Universities, nor yet to any person who shall repair thither to proceed Doctor in Divinity, Law, Physick, for the time of their proceedings there, according to the Statutes of the said Universities.

Triall.

Trial.

1. IN any action where the life or death of any perſon who hath remained beyond ſea, or hath abſented himſelf by the ſpace of 7 years, ſhall come in queſtion between the Lord, or Reverſioner or Tenant, the ſaid Reverſioner or Leſſor may take exception to any of the Jurors that his real Eſtate is held by leaſe or coppy for lives, who upon proof ſhall be ſet aſide as in other challenges. 19 *Car.* 2. *c.* 11. Challenge.

2. A *Tales de circumſtantibus* may upon enqueſt for the King or Queen by any Authoriſed thereunto, or Aſſigned by the Court, or upon requeſt by the proſecutor or his Atturney, and by the command of the Juſtices of Aſſiſe or *Niſi prius* in a ſuit commenced upon a penal ſtatute. 4, 5 *P. M. c.* 7. *Tales.*

3. In caſe the Plaint', or Defend' refuſe or forbear to pray a *Tales*, it ſhall be granted by the Juſtices of Aſſiſe in *England*, and by thoſe of Oyer, and Terminer in *Wales*, *Cheſter*, *Lancaſter*, and *Durham*, at the prayer of the Defend' or tenant, and that as well in ſuits upon Penal laws as upon other tryals. 14 *El. c.* 9.

Uſes.

Uſes.

7 H. 8. c. 10.

1. WHere any perſon or perſons ſtand or are ſeiſed of any Honours, Mannors, Lands, Tenements, Rents, Services, Reverſions, Remainders, or other hereditaments to the uſe, confidence or truſt of any other perſon or perſons, or of any body politik, by reaſon of any bargain, ſale, feoffment, fine, recovery, covenant, contract, agreement, will, or otherwiſe, in every ſuch caſe, every ſuch perſon and perſons and body politick having ſuch uſe, confidence and truſt in fee-ſimple, fee-taile, for life or years, or otherways, or any uſe, confidence or truſt in Remainer or Reverſion, ſhall ſtand and be ſeiſed, deemed and adjudged to be in lawfull ſeiſure, eſtate and poſſeſſion of and in the Honours, Caſtles, &c. with their Appurtenances of and in ſuch like Eſtates as they have in uſe, truſt or confidence of or in the ſame: and the eſtate, right, title and poſſeſſion of ſuch perſon or perſons as are ſeiſed of any lands, tenements or hereditaments to the uſe, confidence or truſt of any ſuch perſon or perſons, or body politick, ſhall be deemed and adjudged to be in him or

or them, that have any ſuch uſe, confidence or truſt, of any ſuch quality, manner or form or condition as they had before in or to the uſe, confidence or truſt, that was in them.

2. When divers perſons are ſo ſeiſed to the uſe, confidence or truſt of any of themſelves, they amongſt them that have ſuch uſe or truſt ſhall likewiſe have the ſeiſin, Eſtate and poſſeſſion in ſuch quality, manner and condition as they had the uſe or truſt.

3. Howbeit the right, title &c. of all other (except the perſon ſo ſeiſed to any uſe or truſt) is ſaved, and all former right, title &c. is alſo ſaved to them.

4. Where any be ſeiſed to any uſe or intent, that another ſhall have a yearly rent out of the ſame Lands Ceſtuy que uſe of the rent ſhall be deemed in the poſſeſſion thereof, of like eſtate as if he or ſhe had the uſe, and ſhall diſtrain for non-payment of the ſaid rent, and make Avowrys, Conuſances and Juſtifications, and uſe all other remedyes therein, as if the rent had been actualy granted to Ceſtuy que uſe.

Utlagary.

1. IN every action perſonal, where an
31 El. c. 3. Exigent ſhall be awarded, a writ of proclamation ſhall alſo be awarded and iſſue out of the ſame Court of the ſame teſte, and return with the Exigent, and ſhall be delivered of record and directed to the Sheriff of the County, where the Defend' at the time of the Exigent was dwelling, and ſhall contain the effect of the ſame action.

2. The Sheriff ſhall thereupon make 3 proclamations, *viz.* one at a full County, another at the Seſſions, and the laſt one moneth at leaſt before *quint. Exact.* by virtue of the Exigent at or near the Church or Chappel door of the Pariſh, where the Defend' was dwelling at the time of awarding the Exigent, upon a Sunday after divine Service and Sermon, or in caſe there be no Sermon, after divine ſervice; and if he dwell in no Pariſh, then in the Pariſh next adjoyning to his place of abode; and all outlawries otherwiſe had ſhall be void.

3. The officer for making the Exigent and proclamation may take ſuch fees for the ſame as are limited by the Statute of

6 *H.* 8. 4. and the Sheriff for making proclamation at the Church door ſhall have 12 d.

4. In real actions, after ſummons upon the land (14 days at leaſt before the return thereof) proclamation of the Summons ſhall be made upon a Sunday, in forme aforeſaid, in the pariſh where the land lies; which Proclamation ſhall be returned with the names of the Summoners.

5. If the ſummons be not ſo proclaimed, no *Grand cape* ſhall be awarded, but an *Alias* and *Pluries* ſummons, until a Summons and Proclamation be made according to this Act.

6. Before allowance of a writ of Error, or reverſing of an Outlawry by plea or otherwiſe, the defend' in the Original action ſhall put in bail, to appear and anſwer the Plaint', and alſo to ſatisfie the condemnation, if the Plaint' begin his ſuit before the end of two terms next after the allowance of the ſaid writ, or avoiding the Outlawry.

FINIS.